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PAPERS RELATING TO THE FOREIGN RELATIONS OF THE UNITED STATES WITH THE ANNUAL MESSAGE OF THE PRESIDENT TRANSMITTED TO CONGRESS DECEMBER 3, 1907

IN TWO PARTS

PART 1

WASHINGTON
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MESSAGE.

To the Senate and House of Representatives:

No nation has greater resources than ours, and I think it can be truthfully said that the citizens of no nation possess greater energy and industrial ability. In no nation are the fundamental business conditions sounder than in ours at this very moment; and it is foolish, when such is the case, for people to hoard money instead of keeping it in sound banks; for it is such hoarding that is the immediate occasion of money stringency. Moreover, as a rule, the business of our people is conducted with honesty and probity, and this applies alike to farms and factories, to railroads and banks, to all our legitimate commercial enterprises.

In any large body of men, however, there are certain to be some who are dishonest, and if the conditions are such that these men prosper or commit their misdeeds with impunity, their example is a very evil thing for the community. Where these men are business men of great sagacity and of temperament both unscrupulous and reckless, and where the conditions are such that they act without supervision or control and at first without effective check from public opinion, they delude many innocent people into making investments or embarking in kinds of business that are really unsound. When the misdeeds of these successfully dishonest men are discovered, suffering comes not only upon them, but upon the innocent men whom they have misled. It is a painful awakening, whenever it occurs; and, naturally, when it does occur those who suffer are apt to forget that the longer it was deferred the more painful it would be. In the effort to punish the guilty it is both wise and proper to endeavor so far as possible to minimize the distress of those who have been

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misled by the guilty. Yet it is not possible to refrain because of such distress from striving to put an end to the misdeeds that are the ultimate causes of the suffering, and, as a means to this end, where possible to punish those responsible for them. There may be honest differences of opinion as to many governmental policies; but surely there can be no such differences as to the need of unflinching perseverance in the war against successful dishonesty.

In my Message to the Congress on December 5, 1905, I said:

"If the folly of man mars the general well-being, then those who are innocent of the folly will have to pay part of the penalty incurred by those who are guilty of the folly. A panic brought on by the speculative folly of part of the business community would hurt the whole business community; but such stoppage of welfare, though it might be severe, would not be lasting. In the long run, the one vital factor in the permanent prosperity of the country is the high individual character of the average American worker, the average American citizen, no matter whether his work be mental or manual, whether he be farmer or wage-worker, business man or professional man.

"In our industrial and social system the interests of all men are so closely intertwined that in the immense majority of cases a straight-dealing man, who by his efficiency, by his ingenuity and industry, benefits himself, must also benefit others. Normally, the man of great productive capacity who becomes rich by guiding the labor of many other men does so by enabling them to produce more than they could produce without his guidance; and both he and they share in the benefit, which comes also to the public at large. The superficial fact that the sharing may be unequal must never blind us to the underlying fact that there is this sharing, and that the benefit comes in some degree to each man concerned. Normally, the wageworker, the man of small means, and the average consumer, as well as the average producer, are all alike helped by making conditions such that the man of exceptional business ability receives an exceptional reward for his ability. Something can be done by legislation to help the general prosperity; but no such help of a permanently beneficial character can be given to the less able and less fortunate save as the results of a policy which shall inure to the advantage of all industrious and efficient people who act decently; and this is only another way of saying that any benefit which comes to the less able and less fortunate must of necessity come even more to the more able and more fortunate. If, therefore, the less fortunate man is moved by envy of his more fortunate brother to strike at the conditions under which they have both, though unequally, prospered, the result will assuredly be that while damage may come to the one struck at, it will visit

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with an even heavier load the one who strikes the blow. Taken as a whole, we must all go up or go down together.

"Yet, while not merely admitting, but insisting upon this, it is also true that where there is no governmental restraint or supervision some of the exceptional men use their energies, not in ways that are for the common good, but in ways which tell against this common good. The fortunes amassed through corporate organization are now so large, and vest such power in those that wield them, as to make it a matter of necessity to give to the sovereign—that is, to the Government, which represents the people as a whole—some effective power of supervision over their corporate use. In order to insure a healthy social and industrial life, every big corporation should be held responsible by, and be accountable to, some sovereign strong enough to control its conduct. I am in no sense hostile to corporations. This is an age of combination, and any effort to prevent all combination will be not only useless, but in the end vicious, because of the contempt for law which the failure to enforce law inevitably produces. We should, moreover, recognize in cordial and ample fashion the immense good effected by corporate agencies in a country such as ours, and the wealth of intellect, energy, and fidelity devoted to their service, and therefore normally to the service of the public, by their officers and directors. The corporation has come to stay, just as the trade union has come to stay. Each can do and has done great good. Each should be favored so long as it does good. But each should be sharply checked where it acts against law and justice.

"* * * The makers of our National Constitution provided especially that the regulation of interstate commerce should come within the sphere of the General Government. The arguments in favor of their taking this stand were even then overwhelming. But they are far stronger to-day, in view of the enormous development of great business agencies, usually corporate in form. Experience has shown conclusively that it is useless to try to get any adequate regulation and supervision of these great corporations by State action. Such regulation and supervision can only be effectively exercised by a sovereign whose jurisdiction is coextensive with the field of work of the corporations—that is, by the National Government. I believe that this regulation and supervision can be obtained by the enactment of law by the Congress. * * * Our steady aim should be by legislation, cautiously and carefully undertaken, but resolutely persevered in, to assert the sovereignty of the National Government by affirmative action.

"This is only in form an innovation. In substance it is merely a restoration; for from the earliest time such regulation of industrial activities has been recognized in the action of the lawmaking bodies; and all that I propose is to meet the changed conditions in such manner as will prevent the Commonwealth abdicating the power it has always possessed, not only in this country, but also in England before and since this country became a separate nation.

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"It has been a misfortune that the National laws on this subject have hitherto been of a negative or prohibitive rather than an affirmative kind, and still more that they have in part sought to prohibit what could not be effectively prohibited, and have in part in their prohibitions confounded what should be allowed and what should not be allowed. It is generally useless to try to prohibit all restraint on competition, whether this restraint be reasonable or unreasonable; and where it is not useless it is generally hurtful. * * * The successful prosecution of one device to evade the law immediately develops another device to accomplish the same purpose. What is needed is not sweeping prohibition of every arrangement, good or bad, which may tend to restrict competition, but such adequate supervision and regulation as will prevent any restriction of competition from being to the detriment of the public, as well as such supervision and regulation as will prevent other abuses in no way connected with restriction of competition."

I have called your attention in these quotations to what I have already said because I am satisfied that it is the duty of the National Government to embody in action the principles thus expressed.

Interstate Commerce.

No small part of the trouble that we have comes from carrying to an extreme the national virtue of self-reliance, of independence in initiative and action. It is wise to conserve this virtue and to provide for its fullest exercise, compatible with seeing that liberty does not become a liberty to wrong others. Unfortunately, this is the kind of liberty that the lack of all effective regulation inevitably breeds. The founders of the Constitution provided that the National Government should have complete and sole control of interstate commerce. There was then practically no interstate business save such as was conducted by water, and this the National Government at once proceeded to regulate in thoroughgoing and effective fashion. Conditions have now so wholly changed that the interstate commerce by water is insignificant compared with the amount that goes by land, and almost all big business concerns are now engaged in interstate commerce. As a result, it can be but partially and imperfectly controlled or regulated by the action of any one of the several States; such action inevitably tending to be either too drastic or else too lax, and in either case ineffective for purposes of justice. Only the National Government can in thoroughgoing fashion exercise the needed control. This does not mean that there should be any extension of Federal authority, for such authority already exists under the Constitution in amplest and most far-reaching form;

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but it does mean that there should be an extension of Federal activity. This is not advocating centralization. It is merely looking facts in the face, and realizing that centralization in business has already come and can not be avoided or undone, and that the public at large can only protect itself from certain evil effects of this business centralization by providing better methods for the exercise of control through the authority already centralized in the National Government by the Constitution itself. There must be no halt in the healthy constructive course of action which this Nation has elected to pursue, and has steadily pursued, during the last six years, as shown both in the legislation of the Congress and the administration of the law by the Department of Justice. The most vital need is in connection with the railroads. As to these, in my judgment there should now be either a national incorporation act or a law licensing railway companies to engage in interstate commerce upon certain conditions. The law should be so framed as to give to the Interstate Commerce Commission power to pass upon the future issue of securities, while ample means should be provided to enable the Commission, whenever in its judgment it is necessary, to make a physical valuation of any railroad. As I stated in my Message to the Congress a year ago, railroads should be given power to enter into agreements, subject to these agreements being made public in minute detail and to the consent of the Interstate Commerce Commission being first obtained. Until the National Government assumes proper control of interstate commerce, in the exercise of the authority it already possesses, it will be impossible either to give to or to get from the railroads full justice. The railroads and all other great corporations will do well to recognize that this control must come; the only question is as to what governmental body can most wisely exercise it. The courts will determine the limits within which the Federal authority can exercise it, and there will still remain ample work within each State for the railway commission of that State; and the National Interstate Commerce Commission will work in harmony with the several State commissions, each within its own province, to achieve the desired end.

Moreover, in my judgment there should be additional legislation looking to the proper control of the great business concerns engaged in interstate business, this control to be exercised for their own benefit and prosperity no less than for the protection of investors and of the general public. As I have repeatedly said in Messages to the Congress and elsewhere, experience has definitely

Sherman Antitrust Law.

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shown not merely the unwisdom but the futility of endeavoring to put a stop to all business combinations. Modern industrial conditions are such that combination is not only necessary but inevitable. It is so in the world of business just as it is so in the world of labor, and it is as idle to desire to put an end to all corporations, to all big combinations of capital, as to desire to put an end to combinations of labor. Corporation and labor union alike have come to stay. Each if properly managed is a source of good and not evil. Whenever in either there is evil, it should be promptly held to account; but it should receive hearty encouragement so long as it is properly managed. It is profoundly immoral to put or keep on the statute books a law, nominally in the interest of public morality, that really puts a premium upon public immorality, by undertaking to forbid honest men from doing what must be done under modern business conditions, so that the law itself provides that its own infraction must be the condition precedent upon business success. To aim at the accomplishment of too much usually means the accomplishment of too little, and often the doing of positive damage. In my Message to the Congress a year ago, in speaking of the antitrust laws, I said:

"The actual working of our laws has shown that the effort to prohibit all combination, good or bad, is noxious where it is not ineffective. Combination of capital, like combination of labor, is a necessary element in our present industrial system. It is not possible completely to prevent it; and if it were possible, such complete prevention would do damage to the body politic. What we need is not vainly to try to prevent all combination, but to secure such rigorous and adequate control and supervision of the combinations as to prevent their injuring the public, or existing in such forms as inevitably to threaten injury. * * * It is unfortunate that our present laws should forbid all combinations instead of sharply discriminating between those combinations which do good and those combinations which do evil. * * * Often railroads would like to combine for the purpose of preventing a big shipper from maintaining improper advantages at the expense of small shippers and of the general public. Such a combination, instead of being forbidden by law, should be favored. * * * It is a public evil to have on the statute books a law incapable of full enforcement, because both judges and juries realize that its full enforcement would destroy the business of the country; for the result is to make decent men violators of the law against their will, and to put a premium on the behavior of the willful wrongdoers. Such a result in turn tends to throw the decent man and the willful wrongdoer into close association, and in the end to drag down the former to the latter's level; for the man who becomes a

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lawbreaker in one way unhappily tends to lose all respect for law and to be willing to break it in many ways. No more scathing condemnation could be visited upon a law than is contained in the words of the Interstate Commerce Commission when, in commenting upon the fact that the numerous joint traffic associations do technically violate the law, they say: 'The decision of the United States Supreme Court in the Trans-Missouri case and the Joint Traffic Association case has produced no practical effect upon the railway operations of the country. Such associations, in fact, exist now as they did before these decisions, and with the same general effect. In justice to all parties, we ought probably to add that it is difficult to see how our interstate railways could be operated with due regard to the interest of the shipper and the railway without concerted action of the kind afforded through these associations.'

"This means that the law as construed by the Supreme Court is such that the business of the country can not be conducted without breaking it."

As I have elsewhere said:

"All this is substantially what I have said over and over again. Surely it ought not to be necessary to say that it in no shape or way represents any hostility to corporations as such. On the contrary, it means a frank recognition of the fact that combinations of capital, like combinations of labor, are a natural result of modern conditions and of our National development. As far as in my ability lies my endeavor is and will be to prevent abuse of power by either and to favor both so long as they do well. The aim of the National Government is quite as much to favor and protect honest corporations, honest business men of wealth, as to bring to justice those individuals and corporations representing dishonest methods. Most certainly there will be no relaxation by the Government authorities in the effort to get at any great railroad wrecker—any man who by clever swindling devices robs investors, oppresses wage-workers, and does injustice to the general public. But any such move as this is in the interest of honest railway operators, of honest corporations, and of those who, when they invest their small savings in stocks and bonds, wish to be assured that these will represent money honestly expended for legitimate business purposes. To confer upon the National Government the power for which I ask would be a check upon overcapitalization and upon the clever gamblers who benefit by overcapitalization. But it alone would mean an increase in the value, an increase in the safety of the stocks and bonds of law-abiding, honestly managed railroads, and would render it far easier to market their securities. I believe in proper publicity. There has been complaint of some of the investigations recently carried on, but those who complain should put the blame where it belongs—upon the misdeeds which are done in

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darkness and not upon the investigations which brought them to light. The Administration is responsible for turning on the light, but it is not responsible for what the light showed. I ask for full power to be given the Federal Government, because no single State can by legislation effectually cope with these powerful corporations engaged in interstate commerce, and, while doing them full justice, exact from them in return full justice to others. The conditions of railroad activity, the conditions of our immense interstate commerce, are such as to make the Central Government alone competent to exercise full supervision and control.

"The grave abuses in individual cases of railroad management in the past represent wrongs not merely to the general public, but, above all, wrongs to fair-dealing and honest corporations and men of wealth, because they excite a popular anger and distrust which from the very nature of the case tends to include in the sweep of its resentment good and bad alike. From the standpoint of the public I can not too earnestly say that as soon as the natural and proper resentment aroused by these abuses becomes indiscriminate and unthinking, it also becomes not merely unwise and unfair, but calculated to defeat the very ends which those feeling it have in view. There has been plenty of dishonest work by corporations in the past. There will not be the slightest let-up in the effort to hunt down and punish every dishonest man. But the bulk of our business is honestly done. In the natural indignation the people feel over the dishonesty, it is all essential that they should not lose their heads and get drawn into an indiscriminate raid upon all corporations, all people of wealth, whether they do well or ill. Out of any such wild movement good will not come, can not come, and never has come. On the contrary, the surest way to invite reaction is to follow the lead of either demagogue or visionary in a sweeping assault upon property values and upon public confidence, which would work incalculable damage in the business world and would produce such distrust of the agitators that in the revulsion the distrust would extend to honest men who, in sincere and sane fashion, are trying to remedy the evils."

The antitrust law should not be repealed; but it should be made both more efficient and more in harmony with actual conditions. It should be so amended as to forbid only the kind of combination which does harm to the general public, such amendment to be accompanied by, or to be an incident of, a grant of supervisory power to the Government over these big concerns engaged in interstate business. This should be accompanied by provision for the compulsory publication of accounts and the subjection of books and papers to the inspection of the Government officials. A

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beginning has already been made for such supervision by the establishment of the Bureau of Corporations.

The antitrust law should not prohibit combinations that do no injustice to the public, still less those the existence of which is on the whole of benefit to the public. But even if this feature of the law were abolished, there would remain as an equally objectionable feature the difficulty and delay now incident to its enforcement. The Government must now submit to irksome and repeated delay before obtaining a final decision of the courts upon proceedings instituted, and even a favorable decree may mean an empty victory. Moreover, to attempt to control these corporations by lawsuits means to impose upon both the Department of Justice and the courts an impossible burden; it is not feasible to carry on more than a limited number of such suits. Such a law to be really effective must of course be administered by an executive body, and not merely by means of lawsuits. The design should be to prevent the abuses incident to the creation of unhealthy and improper combinations, instead of waiting until they are in existence and then attempting to destroy them by civil or criminal proceedings.

A combination should not be tolerated if it abuse the power acquired by combination to the public detriment. No corporation or association of any kind should be permitted to engage in foreign or interstate commerce that is formed for the purpose of, or whose operations create, a monopoly or general control of the production, sale, or distribution of any one or more of the prime necessities of life or articles of general use and necessity. Such combinations are against public policy; they violate the common law; the doors of the courts are closed to those who are parties to them, and I believe the Congress can close the channels of interstate commerce against them for its protection. The law should make its prohibitions and permissions as clear and definite as possible, leaving the least possible room for arbitrary action, or allegation of such action, on the part of the Executive, or of divergent interpretations by the courts. Among the points to be aimed at should be the prohibition of unhealthy competition, such as by rendering service at an actual loss for the purpose of crushing out competition, the prevention of inflation of capital, and the prohibition of a corporation's making exclusive trade with itself a condition of having any trade with itself. Reason-

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able agreements between, or combinations of, corporations should be permitted, provided they are first submitted to and approved by some appropriate Government body.

The Congress has the power to charter corporations to engage in interstate and foreign commerce, and a general law can be enacted under the provisions of which existing corporations could take out Federal charters and new Federal corporations could be created. An essential provision of such a law should be a method of predetermining by some Federal board or commission whether the applicant for a Federal charter was an association or combination within the restrictions of the Federal law. Provision should also be made for complete publicity in all matters affecting the public and complete protection to the investing public and the shareholders in the matter of issuing corporate securities. If an incorporation law is not deemed advisable, a license act for big interstate corporations might be enacted; or a combination of the two might be tried. The supervision established might be analogous to that now exercised over national banks. At least, the antitrust act should be supplemented by specific prohibitions of the methods which experience has shown have been of most service in enabling monopolistic combinations to crush out competition. The real owners of a corporation should be compelled to do business in their own name. The right to hold stock in other corporations should hereafter be denied to interstate corporations, unless on approval by the proper Government officials, and a prerequisite to such approval should be the listing with the Government of all owners and stockholders, both by the corporation owning such stock and by the corporation in which such stock is owned.

To confer upon the National Government, in connection with the amendment I advocate in the antitrust law, power of supervision over big business concerns engaged in interstate commerce, would benefit them as it has benefited the national banks. In the recent business crisis it is noteworthy that the institutions which failed were institutions which were not under the supervision and control of the National Government. Those which were under National control stood the test.

National control of the kind above advocated would be to the benefit of every well-managed railway. From the standpoint of the public there is need for additional tracks, additional terminals, and improvements in the actual handling of the railroads, and all

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this as rapidly as possible. Ample, safe, and speedy transportation facilities are even more necessary than cheap transportation. Therefore, there is need for the investment of money which will provide for all these things while at the same time securing as far as is possible better wages and shorter hours for their employees. Therefore, while there must be just and reasonable regulation of rates, we should be the first to protest against any arbitrary and unthinking movement to cut them down without the fullest and most careful consideration of all interests concerned and of the actual needs of the situation. Only a special body of men acting for the National Government under authority conferred upon it by the Congress is competent to pass judgment on such a matter.

Those who fear, from any reason, the extension of Federal activity will do well to study the history not only of the national banking act but of the pure-food law, and notably the meat inspection law recently enacted. The pure-food law was opposed so violently that its passage was delayed for a decade; yet it has worked unmixed and immediate good. The meat inspection law was even more violently assailed; and the same men who now denounce the attitude of the National Government in seeking to oversee and control the workings of interstate common carriers and business concerns, then asserted that we were "discrediting and ruining a great American industry." Two years have not elapsed, and already it has become evident that the great benefit the law confers upon the public is accompanied by an equal benefit to the reputable packing establishments. The latter are better off under the law than they were without it. The benefit to interstate common carriers and business concerns from the legislation I advocate would be equally marked.

Pure-Food Law.

Incidentally, in the passage of the pure-food law the action of the various State food and dairy commissioners showed in striking fashion how much good for the whole people results from the hearty cooperation of the Federal and State officials in securing a given reform. It is primarily to the action of these State commissioners that we owe the enactment of this law; for they aroused the people, first to demand the enactment and enforcement of State laws on the subject, and then the enactment of the Federal law, without which the State laws were largely ineffective. There must be the closest cooperation between the National and State governments in administering these laws.

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In my Message to the Congress a year ago I spoke as follows of the currency:

"I especially call your attention to the condition of our currency laws. The national-bank act has ably served a great purpose in aiding the enormous business development of the country, and within ten years there has been an increase in circulation per capita from $21.41 to $33.08. For several years evidence has been accumulating that additional legislation is needed. The recurrence of each crop season emphasizes the defects of the present laws. There must soon be a revision of them, because to leave them as they are means to incur liability of business disaster. Since your body adjourned there has been a fluctuation in the interest on call money from 2 per cent to 30 per cent, and the fluctuation was even greater during the preceding six months. The Secretary of the Treasury had to step in and by wise action put a stop to the most violent period of oscillation. Even worse than such fluctuation is the advance in commercial rates and the uncertainty felt in the sufficiency of credit even at high rates. All commercial interests suffer during each crop period. Excessive rates for call money in New York attract money from the interior banks into the speculative field. This depletes the fund that would otherwise be available for commercial uses, and commercial borrowers are forced to pay abnormal rates, so that each fall a tax, in the shape of increased interest charges, is placed on the whole commerce of the country.

Currency.

"The mere statement of these facts shows that our present system is seriously defective. There is need of a change. Unfortunately, however, many of the proposed changes must be ruled from consideration because they are complicated, are not easy of comprehension, and tend to disturb existing rights and interests. We must also rule out any plan which would materially impair the value of the United States 2 per cent bonds now pledged to secure circulation, the issue of which was made under conditions peculiarly creditable to the Treasury. I do not press any especial plan. Various plans have recently been proposed by expert committees of bankers. Among the plans which are possibly feasible and which certainly should receive your consideration is that repeatedly brought to your attention by the present Secretary of the Treasury, the essential features of which have been approved by many prominent bankers and business men. According to this plan national banks should be permitted to issue a specified proportion of their capital in notes of a given kind, the issue to be taxed at so high a rate as to drive the notes back when not wanted in legitimate trade. This plan would not permit the issue of currency to give banks additional profits, but to meet the emergency presented by times of stringency.

"I do not say that this is the right system. I only advance it to emphasize my belief that there is need for the adoption of

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some system which shall be automatic and open to all sound banks, so as to avoid all possibility of discrimination and favoritism. Such a plan would tend to prevent the spasms of high money and speculation which now obtain in the New York market; for at present there is too much currency at certain seasons of the year, and its accumulation at New York tempts bankers to lend it at low rates for speculative purposes; whereas at other times when the crops are being moved there is urgent need for a large but temporary increase in the currency supply. It must never be forgotten that this question concerns business men generally quite as much as bankers; especially is this true of stockmen, farmers, and business men in the West; for at present at certain seasons of the year the difference in interest rates between the East and the West is from 6 to 10 per cent, whereas in Canada the corresponding difference is but 2 per cent. Any plan must, of course, guard the interests of western and southern bankers as carefully as it guards the interests of New York or Chicago bankers, and must be drawn from the standpoints of the farmer and the merchant no less than from the standpoints of the city banker and the country banker."

I again urge on the Congress the need of immediate attention to this matter. We need a greater elasticity in our currency; provided, of course, that we recognize the even greater need of a safe and secure currency. There must always be the most rigid examination by the National authorities. Provision should be made for an emergency currency. The emergency issue should, of course, be made with an effective guaranty, and upon conditions carefully prescribed by the Government. Such emergency issue must be based on adequate securities approved by the Government, and must be issued under a heavy tax. This would permit currency being issued when the demand for it was urgent, while securing its retirement as the demand fell off. It is worth investigating to determine whether officers and directors of national banks should ever be allowed to loan to themselves. Trust companies should be subject to the same supervision as banks; legislation to this effect should be enacted for the District of Columbia and the Territories.

Yet we must also remember that even the wisest legislation on the subject can only accomplish a certain amount. No legislation can by any possibility guarantee the business community against the results of speculative folly any more than it can guarantee an individual against the results of his extravagance. When an individual mortgages his house to buy an automobile he invites disaster; and when wealthy men, or men who pose as such, or are unscrupulously or foolishly eager to become such,

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indulge in reckless speculation—especially if it is accompanied by dishonesty—they jeopardize not only their own future but the future of all their innocent fellow-citizens, for they expose the whole business community to panic and distress.

The income account of the Nation is in a most satisfactory condition. For the six fiscal years ending with the 1st of July last, the total expenditures and revenues of the National Government, exclusive of the postal revenues and expenditures, were, in round numbers, revenues, $3,465,000,000, and expenditures, $3,275,000,000. The net excess of income over expenditures, including in the latter the fifty millions expended for the Panama Canal, was one hundred and ninety million dollars for the six years, an average of about thirty-one millions a year. This represents an approximation between income and outgo which it would be hard to improve. The satisfactory working of the present tariff law has been chiefly responsible for this excellent showing. Nevertheless, there is an evident and constantly growing feeling among our people that the time is rapidly approaching when our system of revenue legislation must be revised.

Revenue.

This country is definitely committed to the protective system and any effort to uproot it could not but cause widespread industrial disaster. In other words, the principle of the present tariff law could not with wisdom be changed. But in a country of such phenomenal growth as ours it is probably well that every dozen years or so the tariff laws should be carefully scrutinized so as to see that no excessive or improper benefits are conferred thereby, that proper revenue is provided, and that our foreign trade is encouraged. There must always be as a minimum a tariff which will not only allow for the collection of an ample revenue but which will at least make good the difference in cost of production here and abroad; that is, the difference in the labor cost here and abroad, for the well-being of the wage-worker must ever be a cardinal point of American policy. The question should be approached purely from a business standpoint; both the time and the manner of the change being such as to arouse the minimum of agitation and disturbance in the business world, and to give the least play for selfish and factional motives. The sole consideration should be to see that the sum total of changes represents the public good. This means that the subject can not with wisdom be dealt with in the year preceding a Presidential election, because as a matter of fact

The Tariff.

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experience has conclusively shown that at such a time it is impossible to get men to treat it from the standpoint of the public good. In my judgment the wise time to deal with the matter is immediately after such election.

When our tax laws are revised the question of an income tax and an inheritance tax should receive the careful attention of our legislators. In my judgment both of these taxes should be part of our system of Federal taxation. I speak diffidently about the income tax because one scheme for an income tax was declared unconstitutional by the Supreme Court; while in addition it is a difficult tax to administer in its practical working, and great care would have to be exercised to see that it was not evaded by the very men whom it was most desirable to have taxed, for if so evaded it would, of course, be worse than no tax at all; as the least desirable of all taxes is the tax which bears heavily upon the honest as compared with the dishonest man. Nevertheless, a graduated income tax of the proper type would be a desirable feature of Federal taxation, and it is to be hoped that one may be devised which the Supreme Court will declare constitutional. The inheritance tax, however, is both a far better method of taxation, and far more important for the purpose of having the fortunes of the country bear in proportion to their increase in size a corresponding increase and burden of taxation. The Government has the absolute right to decide as to the terms upon which a man shall receive a bequest or devise from another, and this point in the devolution of property is especially appropriate for the imposition of a tax. Laws imposing such taxes have repeatedly been placed upon the National statute books and as repeatedly declared constitutional by the courts; and these laws contained the progressive principle, that is, after a certain amount is reached the bequest or gift, in life or death, is increasingly burdened and the rate of taxation is increased in proportion to the remoteness of blood of the man receiving the bequest. These principles are recognized already in the leading civilized nations of the world. In Great Britain all the estates worth $5,000 or less are practically exempt from death duties, while the increase is such that when an estate exceeds five millions of dollars in value and passes to a distant kinsman or stranger in blood the Government receives all told an amount equivalent to nearly a fifth of the whole estate. In France so much of an inheritance as exceeds $10,000,000 pays over a fifth to the State if it passes to a distant relative.

Income Tax and Inheritance Tax.

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The German law is especially interesting to us because it makes the inheritance tax an imperial measure while allotting to the individual States of the Empire a portion of the proceeds and permitting them to impose taxes in addition to those imposed by the Imperial Government. Small inheritances are exempt, but the tax is so sharply progressive that when the inheritance is still not very large, provided it is not an agricultural or a forest land, it is taxed at the rate of 25 per cent if it goes to distant relatives. There is no reason why in the United States the National Government should not impose inheritance taxes in addition to those imposed by the States, and when we last had an inheritance tax about one-half of the States levied such taxes concurrently with the National Government, making a combined maximum rate, in some cases as high as 25 per cent. The French law has one feature which is to be heartily commended. The progressive principle is so applied that each higher rate is imposed only on the excess above the amount subject to the next lower rate; so that each increase of rate will apply only to a certain amount above a certain maximum. The tax should if possible be made to bear more heavily upon those residing without the country than within it. A heavy progressive tax upon a very large fortune is in no way such a tax upon thrift or industry as a like tax would be on a small fortune. No advantage comes either to the country as a whole or to the individuals inheriting the money by permitting the transmission in their entirety of the enormous fortunes which would be affected by such a tax; and as an incident to its function of revenue raising, such a tax would help to preserve a measurable equality of opportunity for the people of the generations growing to manhood. We have not the slightest sympathy with that socialistic idea which would try to put laziness, thriftlessness and inefficiency on a par with industry, thrift and efficiency; which would strive to break up not merely private property, but what is far more important, the home, the chief prop upon which our whole civilization stands. Such a theory, if ever adopted, would mean the ruin of the entire country—a ruin which would bear heaviest upon the weakest, upon those least able to shift for themselves. But proposals for legislation such as this herein advocated are directly opposed to this class of socialistic theories. Our aim is to recognize what Lincoln pointed out: The fact that there are some respects in which men are

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obviously not equal; but also to insist that there should be an equality of self-respect and of mutual respect, an equality of rights before the law, and at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him when compared to his fellows.

A few years ago there was loud complaint that the law could not be invoked against wealthy offenders. There is no such complaint now. The course of the Department of Justice during the last few years has been such as to make it evident that no man stands above the law, that no corporation is so wealthy that it can not be held to account. The Department of Justice has been as prompt to proceed against the wealthiest malefactor whose crime was one of greed and cunning as to proceed against the agitator who incites to brutal violence. Everything that can be done under the existing law, and with the existing state of public opinion, which so profoundly influences both the courts and juries, has been done. But the laws themselves need strengthening in more than one important point; they should be made more definite, so that no honest man can be led unwittingly to break them, and so that the real wrongdoer can be readily punished.

Enforcement of the Law.

Moreover, there must be the public opinion back of the laws or the laws themselves will be of no avail. At present, while the average juryman undoubtedly wishes to see trusts broken up, and is quite ready to fine the corporation itself, he is very reluctant to find the facts proven beyond a reasonable doubt when it comes to sending to jail a member of the business community for indulging in practices which are profoundly unhealthy, but which, unfortunately, the business community has grown to recognize as well-nigh normal. Both the present condition of the law and the present temper of juries render it a task of extreme difficulty to get at the real wrongdoer in any such case, especially by imprisonment. Yet it is from every standpoint far preferable to punish the prime offender by imprisonment rather than to fine the corporation, with the attendant damage to stockholders.

The two great evils in the execution of our criminal laws to-day are sentimentality and technicality. For the latter the remedy must come from the hands of the legislatures, the courts, and the lawyers. The other must depend for its cure upon the gradual growth of a sound public opinion which shall insist that regard for the law and the demands of reason shall control all other

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influences and emotions in the jury box. Both of these evils must be removed or public discontent with the criminal law will continue.

Instances of abuse in the granting of injunctions in labor disputes continue to occur, and the resentment in the minds of those who feel that their rights are being invaded and their liberty of action and of speech unwarrantably restrained continues likewise to grow. Much of the attack on the use of the process of injunction is wholly without warrant; but I am constrained to express the belief that for some of it there is warrant. This question is becoming more and more one of prime importance, and unless the courts will themselves deal with it in effective manner, it is certain ultimately to demand some form of legislative action. It would be most unfortunate for our social welfare if we should permit many honest and law-abiding citizens to feel that they had just cause for regarding our courts with hostility. I earnestly commend to the attention of the Congress this matter, so that some way may be devised which will limit the abuse of injunctions and protect those rights which from time to time it unwarrantably invades. Moreover, discontent is often expressed with the use of the process of injunction by the courts, not only in labor disputes, but where State laws are concerned. I refrain from discussion of this question as I am informed that it will soon receive the consideration of the Supreme Court.

Injunctions.

The Federal courts must of course decide ultimately what are the respective spheres of State and Nation in connection with any law, State or National, and they must decide definitely and finally in matters affecting individual citizens, not only as to the rights and wrongs of labor but as to the rights and wrongs of capital; and the National Government must always see that the decision of the court is put into effect. The process of injunction is an essential adjunct of the court's doing its work well; and as preventive measures are always better than remedial, the wise use of this process is from every standpoint commendable. But where it is recklessly or unnecessarily used, the abuse should be censured, above all by the very men who are properly anxious to prevent any effort to shear the courts of this necessary power. The court's decision must be final; the protest is only against the conduct of individual judges in needlessly anticipating such final decision, or in the tyrannical use of what is nominally a

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temporary injunction to accomplish what is in fact a permanent decision.

The loss of life and limb from railroad accidents in this country has become appalling. It is a subject of which the National Government should take supervision. It might be well to begin by providing for a Federal inspection of interstate railroads somewhat along the lines of Federal inspection of steamboats, although not going so far; perhaps at first all that it would be necessary to have would be some officer whose duty would be to investigate all accidents on interstate railroads and report in detail the causes thereof. Such an officer should make it his business to get into close touch with railroad operating men so as to become thoroughly familiar with every side of the question, the idea being to work along the lines of the present steamboat inspection law.

Accidents.

The National Government should be a model employer. It should demand the highest quality of service from each of its employees and it should care for all of them properly in return. Congress should adopt legislation providing limited but definite compensation for accidents to all workmen within the scope of the Federal power, including employees of navy yards and arsenals. In other words, a model employers' liability act, far-reaching and thoroughgoing, should be enacted which should apply to all positions, public and private, over which the National Government has jurisdiction. The number of accidents to wage-workers, including those that are preventable and those that are not, has become appalling in the mechanical, manufacturing, and transportation operations of the day. It works grim hardship to the ordinary wage-worker and his family to have the effect of such an accident fall solely upon him; and, on the other hand, there are whole classes of attorneys who exist only by inciting men who may or may not have been wronged to undertake suits for negligence. As a matter of fact a suit for negligence is generally an inadequate remedy for the person injured, while it often causes altogether disproportionate annoyance to the employer. The law should be made such that the payment for accidents by the employer would be automatic instead of being a matter for lawsuits. Workmen should receive certain and definite compensation for all accidents in industry irrespective of negligence.

Employers' Liability.

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The employer is the agent of the public and on his own responsibility and for his own profit he serves the public. When he starts in motion agencies which create risks for others, he should take all the ordinary and extraordinary risks involved; and the risk he thus at the moment assumes will ultimately be assumed, as it ought to be, by the general public. Only in this way can the shock of the accident be diffused, instead of falling upon the man or woman least able to bear it, as is now the case. The community at large should share the burdens as well as the benefits of industry. By the proposed law, employers would gain a desirable certainty of obligation and get rid of litigation to determine it, while the workman and his family would be relieved from a crushing load. With such a policy would come increased care, and accidents would be reduced in number. The National laws providing for employers' liability on railroads engaged in interstate commerce and for safety appliances, as well as for diminishing the hours any employee of a railroad should be permitted to work, should all be strengthened wherever in actual practice they have shown weakness; they should be kept on the statute books in thoroughgoing form.

The constitutionality of the employers' liability act passed by the preceding Congress has been carried before the courts. In two jurisdictions the law has been declared unconstitutional, and in three jurisdictions its constitutionality has been affirmed. The question has been carried to the Supreme Court, the case has been heard by that tribunal, and a decision is expected at an early date. In the event that the court should affirm the constitutionality of the act, I urge further legislation along the lines advocated in my Message to the preceding Congress. The practice of putting the entire burden of loss to life or limb upon the victim or the victim's family is a form of social injustice in which the United States stands in unenviable prominence. In both our Federal and our State legislation we have, with few exceptions, scarcely gone farther than the repeal of the fellow-servant principle of the old law of liability, and in some of our States even this slight modification of a completely outgrown principle has not yet been secured. The legislation of the rest of the industrial world stands out in striking contrast to our backwardness in this respect. Since 1895 practically every country of Europe, together with Great Britain, New Zealand, Australia, British Columbia, and the Cape of Good Hope has enacted legislation embodying in one form or another the complete recognition of the principle which places

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upon the employer the entire trade risk in the various lines of industry. I urge upon the Congress the enactment of a law which will at the same time bring Federal legislation up to the standard already established by all the European countries, and which will serve as a stimulus to the various States to perfect their legislation in this regard.

The Congress should consider the extension of the eight-hour law. The constitutionality of the present law has recently been called into question, and the Supreme Court has decided that the existing legislation is unquestionably within the powers of the Congress. The principle of the eight-hour day should as rapidly and as far as practicable be extended to the entire work carried on by the Government; and the present law should be amended to embrace contracts on those public works which the present wording of the act has been construed to exclude. The general introduction of the eight-hour day should be the goal toward which we should steadily tend, and the Government should set the example in this respect.

Eight-Hour Law.

Strikes and lockouts, with their attendant loss and suffering, continue to increase. For the five years ending December 31, 1905, the number of strikes was greater than those in any previous ten years and was double the number in the preceding five years. These figures indicate the increasing need of providing some machinery to deal with this class of disturbances in the interest alike of the employer, the employee, and the general public. I renew my previous recommendation that the Congress favorably consider the matter of creating the machinery for compulsory investigation of such industrial controversies as are of sufficient magnitude and of sufficient concern to the people of the country as a whole to warrant the Federal Government in taking action.

Compulsory Investigation of Industrial Disputes.

The need for some provision for such investigation was forcibly illustrated during the past summer. A strike of telegraph operators seriously interfered with telegraphic communication, causing great damage to business interests and serious inconvenience to the general public. Appeals were made to me from many parts of the country, from city councils, from boards of trade, from chambers of commerce, and from labor organizations, urging that steps be taken to terminate the strike. Everything that could with any propriety be done by a representative of the Government

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was done, without avail, and for weeks the public stood by and suffered without recourse of any kind. Had the machinery existed and had there been authority for compulsory investigation of the dispute, the public would have been placed in possession of the merits of the controversy, and public opinion would probably have brought about a prompt adjustment.

Each successive step creating machinery for the adjustment of labor difficulties must be taken with caution, but we should endeavor to make progress in this direction.

The provisions of the act of 1898 creating the chairman of the Interstate Commerce Commission and the Commissioner of Labor a board of mediation in controversies between interstate railroads and their employees has, for the first time, been subjected to serious tests within the past year, and the wisdom of the experiment has been fully demonstrated. The creation of a board for compulsory investigation in cases where mediation fails and arbitration is rejected is the next logical step in a progressive program.

Capital and Labor.

It is certain that for some time to come there will be a constant increase absolutely, and perhaps relatively, of those among our citizens who dwell in cities or towns of some size and who work for wages. This means that there will be an ever-increasing need to consider the problems inseparable from a great industrial civilization. Where an immense and complex business, especially in those branches relating to manufacture and transportation, is transacted by a large number of capitalists who employ a very much larger number of wage-earners, the former tend more and more to combine into corporations and the latter into unions. The relations of the capitalist and wage-worker to one another, and of each to the general public, are not always easy to adjust; and to put them and keep them on a satisfactory basis is one of the most important and one of the most delicate tasks before our whole civilization. Much of the work for the accomplishment of this end must be done by the individuals concerned themselves, whether singly or in combination; and the one fundamental fact that must never be lost track of is that the character of the average man, whether he be a man of means or a man who works with his hands, is the most important factor in solving the problem aright. But it is almost equally important to remember that without good laws it is also impossible to reach the proper solution. It is idle to hold that without good laws evils such as child labor, as the over-working of

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women, as the failure to protect employees from loss of life or limb, can be effectively reached, any more than the evils of rebates and stock-watering can be reached without good laws. To fail to stop these practices by legislation means to force honest men into them, because otherwise the dishonest who surely will take advantage of them will have everything their own way. If the States will correct these evils, well and good; but the Nation must stand ready to aid them.

No question growing out of our rapid and complex industrial development is more important than that of the employment of women and children. The presence of women in industry reacts with extreme directness upon the character of the home and upon family life, and the conditions surrounding the employment of children bear a vital relation to our future citizenship. Our legislation in those areas under the control of the Congress is very much behind the legislation of our more progressive States. A thorough and comprehensive measure should be adopted at this session of the Congress relating to the employment of women and children in the District of Columbia and the Territories. The investigation into the condition of women and children wage-earners recently authorized and directed by the Congress is now being carried on in the various States, and I recommend that the appropriation made last year for beginning this work be renewed, in order that we may have the thorough and comprehensive investigation which the subject demands. The National Government has as an ultimate resort for control of child labor the use of the interstate commerce clause to prevent the products of child labor from entering into interstate commerce. But before using this it ought certainly to enact model laws on the subject for the Territories under its own immediate control.

There is one fundamental proposition which can be laid down as regards all these matters, namely: While honesty by itself will not solve the problem, yet the insistence upon honesty—not merely technical honesty, but honesty in purpose and spirit—is an essential element in arriving at a right conclusion. Vice in its cruder and more archaic forms shocks everybody; but there is very urgent need that public opinion should be just as severe in condemnation of the vice which hides itself behind class or professional loyalty, or which denies that it is vice if it can escape conviction in the courts. The public and the representatives of the public, the high officials, whether on the bench or in executive or legislative positions, need to remember that often the most

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dangerous criminals, so far as the life of the Nation is concerned, are not those who commit the crimes known to and condemned by the popular conscience for centuries, but those who commit crimes only rendered possible by the complex conditions of our modern industrial life. It makes not a particle of difference whether these crimes are committed by a capitalist or by a laborer, by a leading banker or manufacturer or railroad man, or by a leading representative of a labor union. Swindling in stocks, corrupting legislatures, making fortunes by the inflation of securities, by wrecking railroads, by destroying competitors through rebates—these forms of wrongdoing in the capitalist, are far more infamous than any ordinary form of embezzlement or forgery; yet it is a matter of extreme difficulty to secure the punishment of the man most guilty of them, most responsible for them. The business man who condones such conduct stands on a level with the labor man who deliberately supports a corrupt demagogue and agitator, whether head of a union or head of some municipality, because he is said to have "stood by the union." The members of the business community, the educators, or clergymen, who condone and encourage the first kind of wrongdoing, are no more dangerous to the community, but are morally even worse, than the labor men who are guilty of the second type of wrongdoing, because less is to be pardoned those who have no such excuse as is furnished either by ignorance or by dire need.

When the Department of Agriculture was founded there was much sneering as to its usefulness. No Department of the Government, however, has more emphatically vindicated its usefulness, and none save the Post-Office Department comes so continually and intimately into touch with the people. The two citizens whose welfare is in the aggregate most vital to the welfare of the Nation, and therefore to the welfare of all other citizens, are the wage-worker who does manual labor and the tiller of the soil, the farmer. There are, of course, kinds of labor where the work must be purely mental, and there are other kinds of labor where, under existing conditions, very little demand indeed is made upon the mind, though I am glad to say that the proportion of men engaged in this kind of work is diminishing. But in any community with the solid, healthy qualities which make up a really great nation the bulk of the people should do

Farmers and Wage-Workers.

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work which calls for the exercise of both body and mind. Progress can not permanently exist in the abandonment of physical labor, but in the development of physical labor, so that it shall represent more and more the work of the trained mind in the trained body. Our school system is gravely defective in so far as it puts a premium upon mere literary training and tends therefore to train the boy away from the farm and the workshop. Nothing is more needed than the best type of industrial school, the school for mechanical industries in the city, the school for practically teaching agriculture in the country. The calling of the skilled tiller of the soil, the calling of the skilled mechanic, should alike be recognized as professions, just as emphatically as the callings of lawyer, doctor, merchant, or clerk. The schools should recognize this fact and it should equally be recognized in popular opinion. The young man who has the farsightedness and courage to recognize it and to get over the idea that it makes a difference whether what he earns is called salary or wages, and who refuses to enter the crowded field of the so-called professions, and takes to constructive industry instead, is reasonably sure of an ample reward in earnings, in health, in opportunity to marry early, and to establish a home with a fair amount of freedom from worry. It should be one of our prime objects to put both the farmer and the mechanic on a higher plane of efficiency and reward, so as to increase their effectiveness in the economic world, and therefore the dignity, the remuneration, and the power of their positions in the social world.

No growth of cities, no growth of wealth, can make up for any loss in either the number or the character of the farming population. We of the United States should realize this above almost all other peoples. We began our existence as a nation of farmers, and in every great crisis of the past a peculiar dependence has had to be placed upon the farming population; and this dependence has hitherto been justified. But it can not be justified in the future if agriculture is permitted to sink in the scale as compared with other employments. We can not afford to lose that preeminently typical American, the farmer who owns his own medium-sized farm. To have his place taken by either a class of small peasant proprietors, or by a class of great landlords with tenant-farmed estates would be a veritable calamity. The growth of our cities is a good thing but only in so far as it does

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not mean a growth at the expense of the country farmer. We must welcome the rise of physical sciences in their application to agricultural practices, and we must do all we can to render country conditions more easy and pleasant. There are forces which now tend to bring about both these results, but they are, as yet, in their infancy. The National Government through the Department of Agriculture should do all it can by joining with the State governments and with independent associations of farmers to encourage the growth in the open farming country of such institutional and social movements as will meet the demand of the best type of farmers, both for the improvement of their farms and for the betterment of the life itself. The Department of Agriculture has in many places, perhaps especially in certain districts of the South, accomplished an extraordinary amount by cooperating with and teaching the farmers through their associations, on their own soil, how to increase their income by managing their farms better than they were hitherto managed. The farmer must not lose his independence, his initiative, his rugged self-reliance, yet he must learn to work in the heartiest cooperation with his fellows, exactly as the business man has learned to work; and he must prepare to use to constantly better advantage the knowledge that can be obtained from agricultural colleges, while he must insist upon a practical curriculum in the schools in which his children are taught. The Department of Agriculture and the Department of Commerce and Labor both deal with the fundamental needs of our people in the production of raw material and its manufacture and distribution, and, therefore, with the welfare of those who produce it in the raw state, and of those who manufacture and distribute it. The Department of Commerce and Labor has but recently been founded but has already justified its existence; while the Department of Agriculture yields to no other in the Government in the practical benefits which it produces in proportion to the public money expended. It must continue in the future to deal with growing crops as it has dealt in the past, but it must still further extend its field of usefulness hereafter by dealing with live men, through a far-reaching study and treatment of the problems of farm life alike from the industrial and economic and social standpoint. Farmers must cooperate with one another and with the Government, and the Government can best give its aid through associations of farmers, so as to deliver to the farmer the large body of agricultural knowledge which has

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been accumulated by the National and State governments and by the agricultural colleges and schools.

The grain producing industry of the country, one of the most important in the United States, deserves special consideration at the hands of the Congress. Our grain is sold almost exclusively by grades. To secure satisfactory results in our home markets and to facilitate our trade abroad, these grades should approximate the highest degree of uniformity and certainty. The present diverse methods of inspection and grading throughout the country under different laws and boards, result in confusion and lack of uniformity, destroying that confidence which is necessary for healthful trade. Complaints against the present methods have continued for years and they are growing in volume and intensity, not only in this country but abroad. I therefore suggest to the Congress the advisability of a National system of inspection and grading of grain entering into interstate and foreign commerce as a remedy for the present evils.

Inland Waterways.

The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our National life. We must maintain for our civilization the adequate material basis without which that civilization can not exist. We must show foresight, we must look ahead. As a nation we not only enjoy a wonderful measure of present prosperity but if this prosperity is used aright it is an earnest of future success such as no other nation will have. The reward of foresight for this Nation is great and easily foretold. But there must be the look ahead, there must be a realization of the fact that to waste, to destroy, our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed. For the last few years, through several agencies, the Government has been endeavoring to get our people to look ahead and to substitute a planned and orderly development of our resources in place of a haphazard striving for immediate profit. Our great river systems should be developed as National water highways; the Mississippi, with its tributaries, standing first in importance, and the Columbia second, although there are many others of importance on the Pacific, the Atlantic and the Gulf slopes. The National Government should undertake this work, and I hope a beginning will be made in the present Congress; and

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the greatest of all our rivers, the Mississippi, should receive especial attention. From the Great Lakes to the mouth of the Mississippi there should be a deep waterway, with deep waterways leading from it to the East and the West. Such a waterway would practically mean the extension of our coast line into the very heart of our country. It would be of incalculable benefit to our people. If begun at once it can be carried through in time appreciably to relieve the congestion of our great freight-carrying lines of railroads. The work should be systematically and continuously carried forward in accordance with some well-conceived plan. The main streams should be improved to the highest point of efficiency before the improvement of the branches is attempted; and the work should be kept free from every taint of recklessness or jobbery. The inland waterways which lie just back of the whole eastern and southern coasts should likewise be developed. Moreover, the development of our waterways involves many other important water problems, all of which should be considered as part of the same general scheme. The Government dams should be used to produce hundreds of thousands of horsepower as an incident to improving navigation; for the annual value of the unused water-power of the United States perhaps exceeds the annual value of the products of all our mines. As an incident to creating the deep waterway down the Mississippi, the Government should build along its whole lower length levees which taken together with the control of the headwaters, will at once and forever put a complete stop to all threat of floods in the immensely fertile Delta region. The territory lying adjacent to the Mississippi along its lower course will thereby become one of the most prosperous and populous, as it already is one of the most fertile, farming regions in all the world. I have appointed an Inland Waterways Commission to study and outline a comprehensive scheme of development along all the lines indicated. Later I shall lay its report before the Congress.

Irrigation should be far more extensively developed than at present, not only in the States of the Great Plains and the Rocky Mountains, but in many others, as, for instance, in large portions of the South Atlantic and Gulf States, where it should go hand in hand with the reclamation of swamp land. The Federal Government should seriously devote itself to this task, realizing that utilization of waterways and water-power, forestry, irrigation, and the reclamation of lands threatened with overflow, are all interde-

Reclamation Work.

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pendent parts of the same problem. The work of the Reclamation Service in developing the larger opportunities of the western half of our country for irrigation is more important than almost any other movement. The constant purpose of the Government in connection with the Reclamation Service has been to use the water resources of the public lands for the ultimate greatest good of the greatest number; in other words, to put upon the land permanent home-makers, to use and develop it for themselves and for their children and children's children. There has been, of course, opposition to this work; opposition from some interested men who desire to exhaust the land for their own immediate profit without regard to the welfare of the next generation, and opposition from honest and well-meaning men who did not fully understand the subject or who did not look far enough ahead. This opposition is, I think, dying away, and our people are understanding that it would be utterly wrong to allow a few individuals to exhaust for their own temporary personal profit the resources which ought to be developed through use so as to be conserved for the permanent common advantage of the people as a whole.

Public Lands.

The effort of the Government to deal with the public land has been based upon the same principle as that of the Reclamation Service. The land law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the dryer regions of the Great Plains, the mountains, and much of the Pacific slope, where a farm of 160 acres is inadequate for self-support. In these regions the system lent itself to fraud, and much land passed out of the hands of the Government without passing into the hands of the home-maker. The Department of the Interior and the Department of Justice joined in prosecuting the offenders against the law; and they have accomplished much, while where the administration of the law has been defective it has been changed. But the laws themselves are defective. Three years ago a public lands commission was appointed to scrutinize the law, and defects, and recommend a remedy. Their examination specifically showed the existence of great fraud upon the public domain, and their recommendations for changes in the law were made with the design of conserving the natural resources of every part of the public lands by putting it to its best use. Especial attention was called to the prevention of settlement by the passage of great

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areas of public land into the hands of a few men, and to the enormous waste caused by unrestricted grazing upon the open range. The recommendations of the Public Lands Commission are sound, for they are especially in the interest of the actual home-maker; and where the small home-maker can not at present utilize the land they provide that the Government shall keep control of it so that it may not be monopolized by a few men. The Congress has not yet acted upon these recommendations; but they are so just and proper, so essential to our National welfare, that I feel confident, if the Congress will take time to consider them, that they will ultimately be adopted.

Some such legislation as that proposed is essential in order to preserve the great stretches of public grazing land which are unfit for cultivation under present methods and are valuable only for the forage which they supply. These stretches amount in all to some 300,000,000 acres, and are open to the free grazing of cattle, sheep, horses and goats, without restriction. Such a system, or rather such lack of system, means that the range is not so much used as wasted by abuse. As the West settles the range becomes more and more over-grazed. Much of it can not be used to advantage unless it is fenced, for fencing is the only way by which to keep in check the owners of nomad flocks which roam hither and thither, utterly destroying the pastures and leaving a waste behind so that their presence is incompatible with the presence of home-makers. The existing fences are all illegal. Some of them represent the improper exclusion of actual settlers, actual home-makers, from territory which is usurped by great cattle companies. Some of them represent what is in itself a proper effort to use the range for those upon the land, and to prevent its use by nomadic outsiders. All these fences, those that are hurtful and those that are beneficial, are alike illegal and must come down. But it is an outrage that the law should necessitate such action on the part of the Administration. The unlawful fencing of public lands for private grazing must be stopped, but the necessity which occasioned it must be provided for. The Federal Government should have control of the range, whether by permit or lease, as local necessities may determine. Such control could secure the great benefit of legitimate fencing, while at the same time securing and promoting the settlement of the country. In some places it may be that the tracts of range adjacent to the homesteads of actual settlers should be allotted to them severally or in common for the summer grazing of their stock. Elsewhere

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it may be that a lease system would serve the purpose; the leases to be temporary and subject to the rights of settlement, and the amount charged being large enough merely to permit of the efficient and beneficial control of the range by the Government, and of the payment to the county of the equivalent of what it would otherwise receive in taxes. The destruction of the public range will continue until some such laws as these are enacted. Fully to prevent the fraud in the public lands which, through the joint action of the Interior Department and the Department of Justice, we have been endeavoring to prevent, there must be further legislation, and especially a sufficient appropriation to permit the Department of the Interior to examine certain classes of entries on the ground before they pass into private ownership. The Government should part with its title only to the actual home-maker, not to the profit-maker who does not care to make a home. Our prime object is to secure the rights and guard the interests of the small ranchman, the man who plows and pitches hay for himself. It is this small ranchman, this actual settler and home-maker, who in the long run is most hurt by permitting thefts of the public land in whatever form.

Forests.

Optimism is a good characteristic, but if carried to an excess it becomes foolishness. We are prone to speak of the resources of this country as inexhaustible; this is not so. The mineral wealth of the country, the coal, iron, oil, gas, and the like, does not reproduce itself, and therefore is certain to be exhausted ultimately; and wastefulness in dealing with it to-day means that our descendants will feel the exhaustion a generation or two before they otherwise would. But there are certain other forms of waste which could be entirely stopped—the waste of soil by washing, for instance, which is among the most dangerous of all wastes now in progress in the United States, is easily preventable, so that this present enormous loss of fertility is entirely unnecessary. The preservation or replacement of the forests is one of the most important means of preventing this loss. We have made a beginning in forest preservation, but it is only a beginning. At present lumbering is the fourth greatest industry in the United States; and yet, so rapid has been the rate of exhaustion of timber in the United States in the past, and so rapidly is the remainder being exhausted, that the country is unquestionably on the verge of a timber famine which will be felt in every household in the land. There has already been a rise in the price of lumber, but there is

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certain to be a more rapid and heavier rise in the future. The present annual consumption of lumber is certainly three times as great as the annual growth; and if the consumption and growth continue unchanged, practically all our lumber will be exhausted in another generation, while long before the limit to complete exhaustion is reached the growing scarcity will make itself felt in many blighting ways upon our National welfare. About 20 per cent of our forested territory is now reserved in National forests; but these do not include the most valuable timber lands, and in any event the proportion is too small to expect that the reserves can accomplish more than a mitigation of the trouble which is ahead for the nation. Far more drastic action is needed. Forests can be lumbered so as to give to the public the full use of their mercantile timber without the slightest detriment to the forest, any more than it is a detriment to a farm to furnish a harvest; so that there is no parallel between forests and mines, which can only be completely used by exhaustion. But forests, if used as all our forests have been used in the past and as most of them are still used, will be either wholly destroyed, or so damaged that many decades have to pass before effective use can be made of them again. All these facts are so obvious that it is extraordinary that it should be necessary to repeat them. Every business man in the land, every writer in the newspapers, every man or woman of an ordinary school education, ought to be able to see that immense quantities of timber are used in the country, that the forests which supply this timber are rapidly being exhausted, and that, if no change takes place, exhaustion will come comparatively soon, and that the effects of it will be felt severely in the every-day life of our people. Surely, when these facts are so obvious, there should be no delay in taking preventive measures. Yet we seem as a nation to be willing to proceed in this matter with happy-go-lucky indifference even to the immediate future. It is this attitude which permits the self-interest of a very few persons to weigh for more than the ultimate interest of all our people. There are persons who find it to their immense pecuniary benefit to destroy the forests by lumbering. They are to be blamed for thus sacrificing the future of the Nation as a whole to their own self-interest of the moment; but heavier blame attaches to the people at large for permitting such action, whether in the White Mountains, in the southern Alleghenies, or in the Rockies and Sierras. A big lumbering company, impatient for immediate

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returns and not caring to look far enough ahead, will often deliberately destroy all the good timber in a region, hoping afterwards to move on to some new country. The shiftless man of small means, who does not care to become an actual home-maker but would like immediate profit, will find it to his advantage to take up timber land simply to turn it over to such a big company, and leave it valueless for future settlers. A big mine owner, anxious only to develop his mine at the moment, will care only to cut all the timber that he wishes without regard to the future—probably not looking ahead to the condition of the country when the forests are exhausted, any more than he does to the condition when the mine is worked out. I do not blame these men nearly as much as I blame the supine public opinion, the indifferent public opinion, which permits their action to go unchecked. Of course to check the waste of timber means that there must be on the part of the public the acceptance of a temporary restriction in the lavish use of the timber, in order to prevent the total loss of this use in the future. There are plenty of men in public and private life who actually advocate the continuance of the present system of unchecked and wasteful extravagance, using as an argument the fact that to check it will of course mean interference with the ease and comfort of certain people who now get lumber at less cost than they ought to pay, at the expense of the future generations. Some of these persons actually demand that the present forest reserves be thrown open to destruction, because, forsooth, they think that thereby the price of lumber could be put down again for two or three or more years. Their attitude is precisely like that of an agitator protesting against the outlay of money by farmers on manure and in taking care of their farms generally. Undoubtedly, if the average farmer were content absolutely to ruin his farm, he could for two or three years avoid spending any money on it, and yet make a good deal of money out of it. But only a savage would, in his private affairs, show such reckless disregard of the future; yet it is precisely this reckless disregard of the future which the opponents of the forestry system are now endeavoring to get the people of the United States to show. The only trouble with the movement for the preservation of our forests is that it has not gone nearly far enough, and was not begun soon enough. It is a most fortunate thing, however, that we began it when we did. We should acquire in the Appalachian and White Mountain

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regions all the forest lands that it is possible to acquire for the use of the Nation. These lands, because they form a National asset, are as emphatically national as the rivers which they feed, and which flow through so many States before they reach the ocean.

Tariff on Wood Pulp.

There should be no tariff on any forest product grown in this country; and, in especial, there should be no tariff on wood pulp; due notice of the change being of course given to those engaged in the business so as to enable them to adjust themselves to the new conditions. The repeal of the duty on wood pulp should if possible be accompanied by an agreement with Canada that there shall be no export duty on Canadian pulp wood.

Mineral Lands.

In the eastern United States the mineral fuels have already passed into the hands of large private owners, and those of the West are rapidly following. It is obvious that these fuels should be conserved and not wasted, and it would be well to protect the people against unjust and extortionate prices, so far as that can still be done. What has been accomplished in the great oil fields of the Indian Territory by the action of the Administration, offers a striking example of the good results of such a policy. In my judgment the Government should have the right to keep the fee of the coal, oil, and gas fields in its own possession and to lease the rights to develop them under proper regulations; or else, if the Congress will not adopt this method, the coal deposits should be sold under limitations, to conserve them as public utilities, the right to mine coal being separated from the title to the soil. The regulations should permit coal lands to be worked in sufficient quantity by the several corporations. The present limitations have been absurd, excessive, and serve no useful purpose, and often render it necessary that there should be either fraud or else abandonment of the work of getting out the coal.

The Panama Canal.

Work on the Panama Canal is proceeding in a highly satisfactory manner. In March last, John F. Stevens, chairman of the Commission and chief engineer, resigned, and the Commission was reorganized and constituted as follows: Lieut. Col. George W. Goethals, Corps of Engineers, U. S. Army, chairman and chief engineer; Maj. D. D. Gaillard, Corps of Engineers, U. S. Army; Maj. William L. Sibert, Corps of Engineers, U. S. Army; Civil Engineer H. H. Rousseau, U. S. Navy; Mr. J. C. S. Blackburn; Col. W. C. Gorgas, U. S. Army, and Mr. Jackson Smith, Commissioners. This change

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of authority and direction went into effect on April 1, without causing a perceptible check to the progress of the work. In March the total excavation in the Culebra Cut, where effort was chiefly concentrated, was 815,270 cubic yards. In April this was increased to 879,527 cubic yards. There was a considerable decrease in the output for May and June owing partly to the advent of the rainy season and partly to temporary trouble with the steam shovel men over the question of wages. This trouble was settled satisfactorily to all parties and in July the total excavation advanced materially and in August the grand total from all points in the canal prism by steam shovels and dredges exceeded all previous United States records, reaching 1,274,404 cubic yards. In September this record was eclipsed and a total of 1,517,412 cubic yards was removed. Of this amount 1,481,307 cubic yards were from the canal prism and 36,105 cubic yards were from accessory works. These results were achieved in the rainy season with a rainfall in August of 11.89 inches and in September of 11.65 inches. Finally, in October, the record was again eclipsed, the total excavation being 1,868,729 cubic yards; a truly extraordinary record, especially in view of the heavy rainfall, which was 17.1 inches. In fact, experience during the last two rainy seasons demonstrates that the rains are a less serious obstacle to progress than has hitherto been supposed.

Work on the locks and dams at Gatun, which began actively in March last, has advanced so far that it is thought that masonry work on the locks can be begun within fifteen months. In order to remove all doubt as to the satisfactory character of the foundations for the locks of the Canal, the Secretary of War requested three eminent civil engineers, of special experience in such construction, Alfred Noble, Frederic P. Stearns and John R. Freeman, to visit the Isthmus and make thorough personal investigations of the sites. These gentlemen went to the Isthmus in April and by means of test pits which had been dug for the purpose, they inspected the proposed foundations, and also examined the borings that had been made. In their report to the Secretary of War, under date of May 2, 1907, they said: "We found that all of the locks, of the dimensions now proposed, will rest upon rock of such character that it will furnish a safe and stable foundation." Subsequent new borings, conducted by the present Commission, have fully confirmed this verdict. They show that the locks will rest on rock for their entire length. The cross section of the dam and method of construction will be such as to insure against any slip or sloughing off. Similar examination of the foundations of the

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locks and dams on the Pacific side are in progress. I believe that the locks should be made of a width of 120 feet.

Last winter bids were requested and received for doing the work of canal construction by contract. None of them was found to be satisfactory and all were rejected. It is the unanimous opinion of the present Commission that the work can be done better, more cheaply, and more quickly by the Government than by private contractors. Fully 80 per cent of the entire plant needed for construction has been purchased or contracted for; machine shops have been erected and equipped for making all needed repairs to the plant; many thousands of employees have been secured; an effective organization has been perfected; a recruiting system is in operation which is capable of furnishing more labor than can be used advantageously; employees are well sheltered and well fed; salaries paid are satisfactory, and the work is not only going forward smoothly, but it is producing results far in advance of the most sanguine anticipations. Under these favorable conditions, a change in the method of prosecuting the work would be unwise and unjustifiable, for it would inevitably disorganize existing conditions, check progress, and increase the cost and lengthen the time of completing the Canal.

The chief engineer and all his professional associates are firmly convinced that the 85 feet level lock canal which they are constructing is the best that could be desired. Some of them had doubts on this point when they went to the Isthmus. As the plans have developed under their direction their doubts have been dispelled. While they may decide upon changes in detail as construction advances they are in hearty accord in approving the general plan. They believe that it provides a canal not only adequate to all demands that will be made upon it but superior in every way to a sea level canal. I concur in this belief.

I commend to the favorable consideration of the Congress a postal savings bank system, as recommended by the Postmaster-General. The primary object is to encourage among our people economy and thrift and by the use of postal savings banks to give them an opportunity to husband their resources, particularly those who have not the facilities at hand for depositing their money in savings banks. Viewed, however, from the experience of the past few weeks, it is evident that the advantages of such an institution are still more far-reaching. Timid depositors have withdrawn their savings for the time being from national banks,

Postal Affairs.

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trust companies, and savings banks; individuals have hoarded their cash and the workingmen their earnings; all of which money has been withheld and kept in hiding or in the safe deposit box to the detriment of prosperity. Through the agency of the postal savings banks such money would be restored to the channels of trade, to the mutual benefit of capital and labor.

I further commend to the Congress the consideration of the Postmaster-General's recommendation for an extension of the parcel post, especially on the rural routes. There are now 38,215 rural routes, serving nearly 15,000,000 people who do not have the advantages of the inhabitants of cities in obtaining their supplies. These recommendations have been drawn up to benefit the farmer and the country storekeeper; otherwise, I should not favor them, for I believe that it is good policy for our Government to do everything possible to aid the small town and the country district. It is desirable that the country merchant should not be crushed out.

The fourth-class postmasters' convention has passed a very strong resolution in favor of placing the fourth-class postmasters under the civil-service law. The Administration has already put into effect the policy of refusing to remove any fourth-class postmasters save for reasons connected with the good of the service; and it is endeavoring so far as possible to remove them from the domain of partisan politics. It would be a most desirable thing to put the fourth-class postmasters in the classified service. It is possible that this might be done without Congressional action, but, as the matter is debatable, I earnestly recommend that the Congress enact a law providing that they be included under the civil-service law and put in the classified service.

Oklahoma.

Oklahoma has become a State, standing on a full equality with her elder sisters, and her future is assured by her great natural resources. The duty of the National Government to guard the personal and property rights of the Indians within her borders remains of course unchanged.

Alaska.

I reiterate my recommendations of last year as regards Alaska. Some form of local self-government should be provided, as simple and inexpensive as possible; it is impossible for the Congress to devote the necessary time to all the little details of necessary Alaskan legislation. Road building and railway building should be encouraged. The Governor of Alaska should be given an ample

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appropriation wherewith to organize a force to preserve the public peace. Whisky selling to the natives should be made a felony. The coal land laws should be changed so as to meet the peculiar needs of the Territory. This should be attended to at once; for the present laws permit individuals to locate large areas of the public domain for speculative purposes; and cause an immense amount of trouble, fraud, and litigation. There should be another judicial division established. As early as possible lighthouses and buoys should be established as aids to navigation, especially in and about Prince William Sound, and the survey of the coast completed. There is need of liberal appropriations for lighting and buoying the southern coast and improving the aids to navigation in southeastern Alaska. One of the great industries of Alaska, as of Puget Sound and the Columbia, is salmon fishing. Gradually, by reason of lack of proper laws, this industry is being ruined; it should now be taken in charge, and effectively protected, by the United States Government.

The courage and enterprise of the citizens of the far Northwest in their projected Alaska-Yukon-Pacific Exposition, to be held in 1909, should receive liberal encouragement. This exposition is not sentimental in its conception, but seeks to exploit the natural resources of Alaska and to promote the commerce, trade, and industry of the Pacific States with their neighboring States and with our insular possessions and the neighboring countries of the Pacific. The exposition asks no loan from the Congress but seeks appropriations for National exhibits and exhibits of the western dependencies of the General Government. The State of Washington and the city of Seattle have shown the characteristic western enterprise in large donations for the conduct of this exposition in which other States are lending generous assistance.

The unfortunate failure of the shipping bill at the last session of the last Congress was followed by the taking off of certain Pacific steamships, which has greatly hampered the movement of passengers between Hawaii and the mainland. Unless the Congress is prepared by positive encouragement to secure proper facilities in the way of shipping between Hawaii and the mainland, then the coastwise shipping laws should be so far relaxed as to prevent Hawaii suffering as it is now suffering. I again call your attention to the capital importance from every standpoint of making Pearl Harbor available for the largest deep water vessels, and of suitably fortifying the island.

Hawaii.

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The Philippines.

The Secretary of War has gone to the Philippines. On his return I shall submit to you his report on the islands.

Porto Rico.

I again recommend that the rights of citizenship be conferred upon the people of Porto Rico.

A bureau of mines should be created under the control and direction of the Secretary of the Interior; the bureau to have power to collect statistics and make investigations in all matters pertaining to mining and particularly to the accidents and dangers of the industry. If this can not now be done, at least additional appropriations should be given the Interior Department to be used for the study of mining conditions, for the prevention of fraudulent mining schemes, for carrying on the work of mapping the mining districts, for studying methods for minimizing the accidents and dangers in the industry; in short, to aid in all proper ways the development of the mining industry.

Mining.

The Hermitage.

I strongly recommend to the Congress to provide funds for keeping up the Hermitage, the home of Andrew Jackson; these funds to be used through the existing Hermitage Association for the preservation of a historic building which should ever be dear to Americans.

Vicksburg National Park.

I further recommend that a naval monument be established in the Vicksburg National Park. This national park gives a unique opportunity for commemorating the deeds of those gallant men who fought on water, no less than of those who fought on land, in the great civil war.

The Thirteenth Census.

Legislation should be enacted at the present session of the Congress for the Thirteenth Census. The establishment of the permanent Census Bureau affords the opportunity for a better census than we have ever had, but in order to realize the full advantage of the permanent organization, ample time must be given for preparation.

The Public Health.

There is a constantly growing interest in this country in the question of the public health. At last the public mind is awake to the fact that many diseases, notably tuberculosis, are National scourges. The work of the State and city boards of health should be supplemented by a constantly increasing interest on the part of the National Government. The Congress has already provided a bureau of public health and has provided for a hygienic laboratory.

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There are other valuable laws relating to the public health connected with the various departments. This whole branch of the Government should be strengthened and aided in every way.

Governmental Commissions.

I call attention to two Government commissions which I have appointed and which have already done excellent work. The first of these has to do with the organization of the scientific work of the Government, which has grown up wholly without plan and is in consequence so unwisely distributed among the Executive Departments that much of its effect is lost for the lack of proper coordination. This commission's chief object is to introduce a planned and orderly development and operation in the place of the ill-assorted and often ineffective grouping and methods of work which have prevailed. This can not be done without legislation, nor would it be feasible to deal in detail with so complex an administrative problem by specific provisions of law. I recommend that the President be given authority to concentrate related lines of work and reduce duplication by Executive order through transfer and consolidation of lines of work.

The second committee, that on Department methods, was instructed to investigate and report upon the changes needed to place the conduct of the executive force of the Government on the most economical and effective basis in the light of the best modern business practice. The committee has made very satisfactory progress. Antiquated practices and bureaucratic ways have been abolished, and a general renovation of departmental methods has been inaugurated. All that can be done by Executive order has already been accomplished or will be put into effect in the near future. The work of the main committee and its several assistant committees has produced a wholesome awakening on the part of the great body of officers and employees engaged in Government work. In nearly every Department and office there has been a careful self-inspection for the purpose of remedying any defects before they could be made the subject of adverse criticism. This has led individuals to a wider study of the work on which they were engaged, and this study has resulted in increasing their efficiency in their respective lines of work. There are recommendations of special importance from the committee on the subject of personnel and the classification of salaries which will require legislative action before they can be put into

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effect. It is my intention to submit to the Congress in the near future a special message on those subjects.

Under our form of government voting is not merely a right but a duty, and, moreover, a fundamental and necessary duty if a man is to be a good citizen. It is well to provide that corporations shall not contribute to Presidential or National campaigns, and furthermore to provide for the publication of both contributions and expenditures. There is, however, always danger in laws of this kind, which from their very nature are difficult of enforcement; the danger being lest they be obeyed only by the honest, and disobeyed by the unscrupulous, so as to act only as a penalty upon honest men. Moreover, no such law would hamper an unscrupulous man of unlimited means from buying his own way into office. There is a very radical measure which would, I believe, work a substantial improvement in our system of conducting a campaign, although I am well aware that it will take some time for people so to familiarize themselves with such a proposal as to be willing to consider its adoption. The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery, which requires a large expenditure of money. Then the stipulation should be made that no party receiving campaign funds from the Treasury should accept more than a fixed amount from any individual subscriber or donor; and the necessary publicity for receipts and expenditures could without difficulty be provided.

Presidential Campaign Expenses.

There should be a National gallery of art established in the capital city of this country. This is important not merely to the artistic but to the material welfare of the country; and the people are to be congratulated on the fact that the movement to establish such a gallery is taking definite form under the guidance of the Smithsonian Institution. So far from there being a tariff on works of art brought into the country, their importation should be encouraged in every way. There have been no sufficient collections of objects of art by the Government, and what collections have been acquired are scattered and are generally placed in unsuitable and imperfectly lighted galleries.

A National Gallery of Art.

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The Biological Survey is quietly working for the good of our agricultural interests, and is an excellent example of a Government bureau which conducts original scientific research the findings of which are of much practical utility. For more than twenty years it has studied the food habits of birds and mammals that are injurious or beneficial to agriculture, horticulture, and forestry; has distributed illustrated bulletins on the subject, and has labored to secure legislative protection for the beneficial species. The cotton boll-weevil, which has recently overspread the cotton belt of Texas and is steadily extending its range, is said to cause an annual loss of about $3,000,000. The Biological Survey has ascertained and given wide publicity to the fact that at least 43 kinds of birds prey upon this destructive insect. It has discovered that 57 species of birds feed upon scale-insects—dreaded enemies of the fruit grower. It has shown that woodpeckers as a class, by destroying the larvæ of wood-boring insects, are so essential to tree life that it is doubtful if our forests could exist without them. It has shown that cuckoos and orioles are the natural enemies of the leaf-eating caterpillars that destroy our shade and fruit trees; that our quails and sparrows consume annually hundreds of tons of seeds of noxious weeds; that hawks and owls as a class (excepting the few that kill poultry and game birds) are markedly beneficial, spending their lives in catching grasshoppers, mice, and other pests that prey upon the products of husbandry. It has conducted field experiments for the purpose of devising and perfecting simple methods for holding in check the hordes of destructive rodents—rats, mice, rabbits, gophers, prairie dogs, and ground squirrels—which annually destroy crops worth many millions of dollars; and it has published practical directions for the destruction of wolves and coyotes on the stock ranges of the West, resulting during the past year in an estimated saving of cattle and sheep valued at upwards of a million dollars.

The Biological Survey.

It has inaugurated a system of inspection at the principal ports of entry on both Atlantic and Pacific coasts by means of which the introduction of noxious mammals and birds is prevented, thus keeping out the mongoose and certain birds which are as much to be dreaded as the previously introduced English sparrow and the house rats and mice.

In the interest of game protection it has cooperated with local officials in every State in the Union, has striven to promote uniform legislation in the several States, has rendered important

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service in enforcing the Federal law regulating interstate traffic in game, and has shown how game protection may be made to yield a large revenue to the State—a revenue amounting in the case of Illinois to $128,000 in a single year.

The Biological Survey has explored the faunas and floras of America with reference to the distribution of animals and plants; it has defined and mapped the natural life areas—areas in which, by reason of prevailing climatic conditions, certain kinds of animals and plants occur—and has pointed out the adaptability of these areas to the cultivation of particular crops. The results of these investigations are not only of high educational value but are worth each year to the progressive farmers of the country many times the cost of maintaining the Survey, which, it may be added, is exceedingly small. I recommend to Congress that this bureau, whose usefulness is seriously handicapped by lack of funds, be granted an appropriation in some degree commensurate with the importance of the work it is doing.

Ocean Mail Service.

I call your especial attention to the unsatisfactory condition of our foreign mail service, which, because of the lack of American steamship lines is now largely done through foreign lines, and which, particularly so far as South and Central America are concerned, is done in a manner which constitutes a serious barrier to the extension of our commerce.

The time has come, in my judgment, to set to work seriously to make our ocean mail service correspond more closely with our recent commercial and political development. A beginning was made by the ocean mail act of March 3, 1891, but even at that time the act was known to be inadequate in various particulars. Since that time events have moved rapidly in our history. We have acquired Hawaii, the Philippines, and lesser islands in the Pacific. We are steadily prosecuting the great work of uniting at the Isthmus the waters of the Atlantic and the Pacific. To a greater extent than seemed probable even a dozen years ago, we may look to an American future on the sea worthy of the traditions of our past. As the first step in that direction, and the step most feasible at the present time, I recommend the extension of the ocean mail act of 1891. That act has stood for some years free from successful criticism of its principle and purpose. It was based on theories of the obligations of a great maritime nation, undisputed in our own land and followed by other nations since the beginning of steam navigation. Briefly those theories are, that

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it is the duty of a first-class Power so far as practicable to carry its ocean mails under its own flag; that the fast ocean steamships and their crews, required for such mail service, are valuable auxiliaries to the sea power of a nation. Furthermore, the construction of such steamships insures the maintenance in an efficient condition of the shipyards in which our battleships must be built.

The expenditure of public money for the performance of such necessary functions of government is certainly warranted, nor is it necessary to dwell upon the incidental benefits to our foreign commerce, to the shipbuilding industry, and to ship owning and navigation which will accompany the discharge of these urgent public duties, though they, too, should have weight.

The only serious question is whether at this time we can afford to improve our ocean mail service as it should be improved. All doubt on this subject is removed by the reports of the Post-Office Department. For the fiscal year ended June 30, 1907, that Department estimates that the postage collected on the articles exchanged with foreign countries other than Canada and Mexico amounted to $6,579,043.48, or $3,637,226.81 more than the net cost of the service exclusive of the cost of transporting the articles between the United States exchange postoffices and the United States postoffices at which they were mailed or delivered. In other words, the Government of the United States, having assumed a monopoly of carrying the mails for the people, is making a profit of over $3,600,000 by rendering a cheap and inefficient service. That profit I believe should be devoted to strengthening our maritime power in those directions where it will best promote our prestige. The country is familiar with the facts of our maritime impotence in the harbors of the great and friendly Republics of South America. Following the failure of the shipbuilding bill we lost our only American line of steamers to Australasia, and that loss on the Pacific has become a serious embarrassment to the people of Hawaii, and has wholly cut off the Samoan islands from regular communication with the Pacific coast. Puget Sound, in the year, has lost over half (four out of seven) of its American steamers trading with the Orient.

We now pay under the act of 1891 $4 a statute mile outward to 20-knot American mail steamships, built according to naval plans, available as cruisers, and manned by Americans. Steamships of that speed are confined exclusively to trans-Atlantic trade with New York. To steamships of 16 knots or over only $2 a

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mile can be paid, and it is steamships of this speed and type which are needed to meet the requirements of mail service to South America, Asia (including the Philippines), and Australia. I strongly recommend, therefore, a simple amendment to the ocean mail act of 1891 which shall authorize the Postmaster-General in his discretion to enter into contracts for the transportation of mails to the Republics of South America, to Asia, the Philippines, and Australia at a rate not to exceed $4 a mile for steamships of 16 knots speed or upwards, subject to the restrictions and obligations of the act of 1891. The profit of $3,600,000 which has been mentioned will fully cover the maximum annual expenditure involved in this recommendation, and it is believed will in time establish the lines so urgently needed. The proposition involves no new principle, but permits the efficient discharge of public functions now inadequately performed or not performed at all.

The Army.

Not only there is not now, but there never has been, any other nation in the world so wholly free from the evils of militarism as is ours. There never has been any other large nation, not even China, which for so long a period has had relatively to its numbers so small a regular army as has ours. Never at any time in our history has this Nation suffered from militarism or been in the remotest danger of suffering from militarism. Never at any time of our history has the Regular Army been of a size which caused the slightest appreciable tax upon the tax-paying citizens of the Nation. Almost always it has been too small in size and underpaid. Never in our entire history has the Nation suffered in the least particular because too much care has been given to the Army, too much prominence given it, too much money spent upon it, or because it has been too large. But again and again we have suffered because enough care has not been given to it, because it has been too small, because there has not been sufficient preparation in advance for possible war. Every foreign war in which we have engaged has cost us many times the amount which, if wisely expended during the preceding years of peace on the Regular Army, would have insured the war ending in but a fraction of the time and but for a fraction of the cost that was actually the case. As a Nation we have always been shortsighted in providing for the efficiency of the Army in time of peace. It is nobody's especial interest to make such provision and no one looks ahead

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to war at any period, no matter how remote, as being a serious possibility; while an improper economy, or rather niggardliness, can be practiced at the expense of the Army with the certainty that those practicing it will not be called to account therefor, but that the price will be paid by the unfortunate persons who happen to be in office when a war does actually come.

I think it is only lack of foresight that troubles us, not any hostility to the Army. There are, of course, foolish people who denounce any care of the Army or Navy as "militarism," but I do not think that these people are numerous. This country has to contend now, and has had to contend in the past, with many evils, and there is ample scope for all who would work for reform. But there is not one evil that now exists, or that ever has existed in this country, which is, or ever has been, owing in the smallest part to militarism. Declamation against militarism has no more serious place in an earnest and intelligent movement for righteousness in this country than declamation against the worship of Baal or Astaroth. It is declamation against a non-existent evil, one which never has existed in this country, and which has not the slightest chance of appearing here. We are glad to help in any movement for international peace, but this is because we sincerely believe that it is our duty to help all such movements provided they are sane and rational, and not because there is any tendency toward militarism on our part which needs to be cured. The evils we have to fight are those in connection with industrialism, not militarism. Industry is always necessary, just as war is sometimes necessary. Each has its price, and industry in the United States now exacts, and has always exacted, a far heavier toll of death than all our wars put together. The statistics of the railroads of this country for the year ended June 30, 1906, the last contained in the annual statistical report of the Interstate Commerce Commission, show in that one year a total of 108,324 casualties to persons, of which 10,618 represent the number of persons killed. In that wonderful hive of human activity, Pittsburg, the deaths due to industrial accidents in 1906 were 919, all the result of accidents in mills, mines or on railroads. For the entire country, therefore, it is safe to say that the deaths due to industrial accidents aggregate in the neighborhood of twenty thousand a year. Such a record makes the death rate in all our foreign wars utterly trivial by comparison. The number of deaths in battle in all the foreign wars put together, for the last century and a quarter, aggregate

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considerably less than one year's death record for our industries. A mere glance at these figures is sufficient to show the absurdity of the outcry against militarism.

But again and again in the past our little Regular Army has rendered service literally vital to the country, and it may at any time have to do so in the future. Its standard of efficiency and instruction is higher now than ever in the past. But it is too small. There are not enough officers; and it is impossible to secure enough enlisted men. We should maintain in peace a fairly complete skeleton of a large army. A great and long-continued war would have to be fought by volunteers. But months would pass before any large body of efficient volunteers could be put in the field, and our Regular Army should be large enough to meet any immediate need. In particular it is essential that we should possess a number of extra officers trained in peace to perform efficiently the duties urgently required upon the breaking out of war.

The Medical Corps should be much larger than the needs of our Regular Army in war. Yet at present it is smaller than the needs of the service demand even in peace. The Spanish war occurred less than ten years ago. The chief loss we suffered in it was by disease among the regiments which never left the country. At the moment the Nation seemed deeply impressed by this fact; yet seemingly it has already been forgotten, for not the slightest effort has been made to prepare a medical corps of sufficient size to prevent the repetition of the same disaster on a much larger scale if we should ever be engaged in a serious conflict. The trouble in the Spanish war was not with the then existing officials of the War Department; it was with the representatives of the people as a whole who, for the preceding thirty years, had declined to make the necessary provision for the Army. Unless ample provision is now made by Congress to put the Medical Corps where it should be put disaster in the next war is inevitable, and the responsibility will not lie with those then in charge of the War Department, but with those who now decline to make the necessary provision. A well organized medical corps, thoroughly trained before the advent of war in all the important administrative duties of a military sanitary corps, is essential to the efficiency of any large army, and especially of a large volunteer army. Such knowledge of medicine and surgery as is possessed by the medical profession generally will not alone suffice to make an efficient military surgeon. He must have, in addition, knowledge of the administration and

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sanitation of large field hospitals and camps, in order to safeguard the health and lives of men intrusted in great numbers to his care. A bill has long been pending before the Congress for the reorganization of the Medical Corps; its passage is urgently needed.

But the Medical Department is not the only department for which increased provision should be made. The rate of pay for the officers should be greatly increased; there is no higher type of citizen than the American regular officer, and he should have a fair reward for his admirable work. There should be a relatively even greater increase in the pay for the enlisted men. In especial provision should be made for establishing grades equivalent to those of warrant officers in the Navy which should be open to the enlisted men who serve sufficiently long and who do their work well. Inducements should be offered sufficient to encourage really good men to make the Army a life occupation. The prime needs of our present Army is to secure and retain competent noncommissioned officers. This difficulty rests fundamentally on the question of pay. The noncommissioned officer does not correspond with an unskilled laborer; he corresponds to the best type of skilled workman or to the subordinate official in civil institutions. Wages have greatly increased in outside occupations in the last forty years and the pay of the soldier, like the pay of the officers, should be proportionately increased. The first sergeant of a company, if a good man, must be one of such executive and administrative ability, and such knowledge of his trade, as to be worth far more than we at present pay him. The same is true of the regimental sergeant major. These men should be men who had fully resolved to make the Army a life occupation and they should be able to look forward to ample reward; while only men properly qualified should be given a chance to secure these final rewards. The increase over the present pay need not be great in the lower grades for the first one or two enlistments, but the increase should be marked for the noncommissioned officers of the upper grades who serve long enough to make it evident that they intend to stay permanently in the Army, while additional pay should be given for high qualifications in target practice. The position of warrant officer should be established and there should be not only an increase of pay, but an increase of privileges and allowances and dignity, so as to make the grade open to noncommissioned officers capable of filling them desirably from every standpoint. The rate of desertion in our Army now in time of peace is alarming. The deserter should be treated by public opinion as a man

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guilty of the greatest crime; while on the other hand the man who serves steadily in the Army should be treated as what he is, that is, as preeminently one of the best citizens of this Republic. After twelve years' service in the Army my own belief is that the man should be given a preference according to his ability for certain types of office over all civilian applicants without examination. This should also apply, of course, to the men who have served twelve years in the Navy. A special corps should be provided to do the manual labor now necessarily demanded of the privates themselves.

Among the officers there should be severe examinations to weed out the unfit up to the grade of major. From that position on appointments should be solely by selection and it should be understood that a man of merely average capacity could never get beyond the position of major, while every man who serves in any grade a certain length of time prior to promotion to the next grade without getting the promotion to the next grade should be forthwith retired. The practice marches and field maneuvers of the last two or three years have been invaluable to the Army. They should be continued and extended. A rigid and not a perfunctory examination of physical capacity has been provided for the higher grade officers. This will work well. Unless an officer has a good physique, unless he can stand hardship, ride well, and walk fairly, he is not fit for any position, even after he has become a colonel. Before he has become a colonel the need for physical fitness in the officer is almost as great as in the enlisted man. I hope speedily to see introduced into the Army a far more rigid and thoroughgoing test of horsemanship for all field officers than at present. There should be a Chief of Cavalry just as there is a Chief of Artillery.

Perhaps the most important of all legislation needed for the benefit of the Army is a law to equalize and increase the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service. Such a bill has been prepared, which it is hoped will meet with your favorable consideration. The next most essential measure is to authorize a number of extra officers as mentioned above. To make the Army more attractive to enlisted men, it is absolutely essential to create a service corps, such as exists in nearly every modern army in the world, to do the skilled and unskilled labor, inseparably connected with military administration, which is now exacted, without just compensation, of enlisted men who voluntarily entered the Army to do service of

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an altogether different kind. There are a number of other laws necessary to so organize the Army as to promote its efficiency and facilitate its rapid expansion in time of war; but the above are the most important.

It was hoped The Hague Conference might deal with the question of the limitation of armaments. But even before it had assembled informal inquiries had developed that as regards naval armaments, the only ones in which this country had any interest, it was hopeless to try to devise any plan for which there was the slightest possibility of securing the assent of the nations gathered at The Hague. No plan was even proposed which would have had the assent of more than one first class Power outside of the United States. The only plan that seemed at all feasible, that of limiting the size of battleships, met with no favor at all. It is evident, therefore, that it is folly for this Nation to base any hope of securing peace on any international agreement as to the limitation of armaments. Such being the fact it would be most unwise for us to stop the upbuilding of our Navy. To build one battleship of the best and most advanced type a year would barely keep our fleet up to its present force. This is not enough. In my judgment, we should this year provide for four battleships. But it is idle to build battleships unless in addition to providing the men, and the means for thorough training, we provide the auxiliaries for them, unless we provide docks, the coaling stations, the colliers and supply ships that they need. We are extremely deficient in coaling stations and docks on the Pacific, and this deficiency should not longer be permitted to exist. Plenty of torpedo boats and destroyers should be built. Both on the Atlantic and Pacific coasts, fortifications of the best type should be provided for all our greatest harbors.

The Navy.

We need always to remember that in time of war the Navy is not to be used to defend harbors and sea-coast cities; we should perfect our system of coast fortifications. The only efficient use for the Navy is for offense. The only way in which it can efficiently protect our own coast against the possible action of a foreign navy is by destroying that foreign navy. For defense against a hostile fleet which actually attacks them, the coast cities must depend upon their forts, mines, torpedoes, submarines, and torpedo boats and destroyers. All of these together are efficient for defensive purposes, but they in no way supply the place of a thoroughly efficient navy capable of acting on the offensive; for parrying never yet won a fight. It can only be won by hard

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hitting, and an aggressive sea-going navy alone can do this hard hitting of the offensive type. But the forts and the like are necessary so that the Navy may be footloose. In time of war there is sure to be demand, under pressure of fright, for the ships to be scattered so as to defend all kind of ports. Under penalty of terrible disaster, this demand must be refused. The ships must be kept together, and their objective made the enemies' fleet. If fortifications are sufficiently strong, no modern navy will venture to attack them, so long as the foe has in existence a hostile navy of anything like the same size or efficiency. But unless there exists such a navy then the fortifications are powerless by themselves to secure the victory. For of course the mere deficiency means that any resolute enemy can at his leisure combine all his forces upon one point with the certainty that he can take it.

Until our battle fleet is much larger than at present it should never be split into detachments so far apart that they could not in event of emergency be speedily united. Our coast line is on the Pacific just as much as on the Atlantic. The interests of California, Oregon, and Washington are as emphatically the interests of the whole Union as those of Maine and New York, of Louisiana and Texas. The battle fleet should now and then be moved to the Pacific, just as at other times it should be kept in the Atlantic. When the Isthmian Canal is built the transit of the battle fleet from one ocean to the other will be comparatively easy. Until it is built I earnestly hope that the battle fleet will be thus shifted between the two oceans every year or two. The marksmanship on all our ships has improved phenomenally during the last five years. Until within the last two or three years it was not possible to train a battle fleet in squadron maneuvers under service conditions, and it is only during these last two or three years that the training under these conditions has become really effective. Another and most necessary stride in advance is now being taken. The battle fleet is about starting by the Straits of Magellan to visit the Pacific coast. Sixteen battleships are going under the command of Rear-Admiral Evans, while eight armored cruisers and two other battleships will meet him at San Francisco, whither certain torpedo destroyers are also going. No fleet of such size has ever made such a voyage, and it will be of very great educational use to all engaged in it. The only way by which to teach officers and men how to handle the fleet so as to meet every possible strain and emergency in time of

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war is to have them practice under similar conditions in time of peace. Moreover, the only way to find out our actual needs is to perform in time of peace whatever maneuvers might be necessary in time of war. After war is declared it is too late to find out the needs; that means to invite disaster. This trip to the Pacific will show what some of our needs are and will enable us to provide for them. The proper place for an officer to learn his duty is at sea, and the only way in which a navy can ever be made efficient is by practice at sea, under all the conditions which would have to be met if war existed.

I bespeak the most liberal treatment for the officers and enlisted men of the Navy. It is true of them, as likewise of the officers and enlisted men of the Army, that they form a body whose interests should be close to the heart of every good American. In return the most rigid performance of duty should be exacted from them. The reward should be ample when they do their best; and nothing less than their best should be tolerated. It is idle to hope for the best results when the men in the senior grades come to those grades late in life and serve too short a time in them. Up to the rank of lieutenant-commander promotion in the Navy should be as now, by seniority, subject, however, to such rigid tests as would eliminate the unfit. After the grade of lieutenant-commander, that is, when we come to the grade of command rank, the unfit should be eliminated in such manner that only the conspicuously fit would remain, and sea service should be a principal test of fitness. Those who are passed by should, after a certain length of service in their respective grades, be retired. Of a given number of men it may well be that almost all would make good lieutenants and most of them good lieutenant-commanders, while only a minority will be fit to be captains, and but three or four to be admirals. Those who object to promotion otherwise than by mere seniority should reflect upon the elementary fact that no business in private life could be successfully managed if those who enter at the lowest rungs of the ladder should each in turn, if he lived, become the head of the firm, its active director, and retire after he had held the position a few months. On its face such a scheme is an absurdity. Chances for improper favoritism can be minimized by a properly formed board; such as the board of last June, which did such conscientious and excellent work in elimination.

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If all that ought to be done can not now be done, at least let a beginning be made. In my last three annual Messages, and in a special Message to the last Congress, the necessity for legislation that will cause officers of the line of the Navy to reach the grades of captain and rear-admiral at less advanced ages and which will cause them to have more sea training and experience in the highly responsible duties of those grades, so that they may become thoroughly skillful in handling battleships, divisions, squadrons, and fleets in action, has been fully explained and urgently recommended. Upon this subject the Secretary of the Navy has submitted detailed and definite recommendations which have received my approval, and which, if enacted into law, will accomplish what is immediately necessary, and will, as compared with existing law, make a saving of more than five millions of dollars during the next seven years. The navy personnel act of 1899 has accomplished all that was expected of it in providing satisfactory periods of service in the several subordinate grades, from the grade of ensign to the grade of lieutenant-commander, but the law is inadequate in the upper grades and will continue to be inadequate on account of the expansion of the personnel since its enactment. Your attention is invited to the following quotations from the report of the personnel board of 1906, of which the Assistant Secretary of the Navy was president:

"Congress has authorized a considerable increase in the number of midshipmen at the Naval Academy, and these midshipmen upon graduation are promoted to ensign and lieutenant (junior-grade). But no provision has been made for a corresponding increase in the upper grades, the result being that the lower grades will become so congested that a midshipman now in one of the lowest classes at Annapolis may possibly not be promoted to lieutenant until he is between 45 and 50 years of age. So it will continue under the present law, congesting at the top and congesting at the bottom. The country fails to get from the officers of the service the best that is in them by not providing opportunity for their normal development and training. The board believes that this works a serious detriment to the efficiency of the Navy and is a real menace to the public safety."

As stated in my special Message to the last Congress: "I am firmly of the opinion that unless the present conditions of the higher commissioned personnel is rectified by judicious legislation the future of our Navy will be gravely compromised." It is also urgently necessary to increase the efficiency of the Medical Corps

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of the Navy. Special legislation to this end has already been proposed; and I trust it may be enacted without delay.

It must be remembered that everything done in the Navy to fit it to do well in time of war must be done in time of peace. Modern wars are short; they do not last the length of time requisite to build a battleship; and it takes longer to train the officers and men to do well on a battleship than it takes to build it. Nothing effective can be done for the Navy once war has begun, and the result of the war, if the combatants are otherwise equally matched, will depend upon which power has prepared best in time of peace. The United States Navy is the best guaranty the Nation has that its honor and interest will not be neglected; and in addition it offers by far the best insurance for peace that can by human ingenuity be devised.

I call attention to the report of the official Board of Visitors to the Naval Academy at Annapolis which has been forwarded to the Congress. The report contains this paragraph:

"Such revision should be made of the courses of study and methods of conducting and marking examinations as will develop and bring out the average all-round ability of the midshipman rather than to give him prominence in any one particular study. The fact should be kept in mind that the Naval Academy is not a university but a school, the primary object of which is to educate boys to be efficient naval officers. Changes in curriculum, therefore, should be in the direction of making the course of instruction less theoretical and more practical. No portion of any future class should be graduated in advance of the full four years' course, and under no circumstances should the standard of instruction be lowered. The Academy in almost all of its departments is now magnificently equipped, and it would be very unwise to make the course of instruction less exacting than it is to-day."

Acting upon this suggestion I designated three seagoing officers, Capt. Richard Wainwright, Commander Robert S. Griffin, and Lieut. Commander Albert L. Key, all graduates of the Academy, to investigate conditions and to recommend to me the best method of carrying into effect this general recommendation. These officers performed the duty promptly and intelligently, and, under the personal direction of Capt. Charles J. Badger, Superintendent of the Academy, such of the proposed changes as were deemed to be at present advisable were put into effect at the beginning of the academic year, October 1, last. The results, I am confident, will

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be most beneficial to the Academy, to the midshipmen, and to the Navy.

In foreign affairs this country's steady policy is to behave toward other nations as a strong and self-respecting man should behave toward the other men with whom he is brought into contact. In other words, our aim is disinterestedly to help other nations where such help can be wisely given without the appearance of meddling with what does not concern us; to be careful to act as a good neighbor; and at the same time, in good-natured fashion, to make it evident that we do not intend to be imposed upon.

Foreign Affairs.

The Second International Peace Conference was convened at The Hague on the 15th of June last and remained in session until the 18th of October. For the first time the representatives of practically all the civilized countries of the world united in a temperate and kindly discussion of the methods by which the causes of war might be narrowed and its injurious effects reduced.

The Hague.

Although the agreements reached in the Conference did not in any direction go to the length hoped for by the more sanguine, yet in many directions important steps were taken, and upon every subject on the programme there was such full and considerate discussion as to justify the belief that substantial progress has been made toward further agreements in the future. Thirteen conventions were agreed upon embodying the definite conclusions which had been reached, and resolutions were adopted marking the progress made in matters upon which agreement was not yet sufficiently complete to make conventions practicable.

The delegates of the United States were instructed to favor an agreement for obligatory arbitration, the establishment of a permanent court of arbitration to proceed judicially in the hearing and decision of international causes, the prohibition of force for the collection of contract debts alleged to be due from governments to citizens of other countries until after arbitration as to the justice and amount of the debt and the time and manner of payment, the immunity of private property at sea, the better definition of the rights of neutrals, and, in case any measure to that end should be introduced, the limitation of armaments.

In the field of peaceful disposal of international differences several important advances were made. First, as to obligatory

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arbitration. Although the Conference failed to secure a unanimous agreement upon the details of a convention for obligatory arbitration, it did resolve as follows:

"It is unanimous: (1) In accepting the principle for obligatory arbitration; (2) In declaring that certain differences, and notably those relating to the interpretation and application of international conventional stipulations are susceptible of being submitted to obligatory arbitration without any restriction."

In view of the fact that as a result of the discussion the vote upon the definite treaty of obligatory arbitration, which was proposed, stood 32 in favor to 9 against the adoption of the treaty, there can be little doubt that the great majority of the countries of the world have reached a point where they are now ready to apply practically the principles thus unanimously agreed upon by the Conference.

The second advance, and a very great one, is the agreement which relates to the use of force for the collection of contract debts. Your attention is invited to the paragraphs upon this subject in my Message of December, 1906, and to the resolution of the Third American Conference at Rio in the summer of 1906. The convention upon this subject adopted by the Conference substantially as proposed by the American delegates is as follows:

"In order to avoid between nations armed conflicts of a purely pecuniary origin arising from contractual debts claimed of the government of one country by the government of another country to be due to its nationals, the signatory Powers agree not to have recourse to armed force for the collection of such contractual debts.

"However, this stipulation shall not be applicable when the debtor State refuses or leaves unanswered an offer to arbitrate, or, in case of acceptance, makes it impossible to formulate the terms of submission, or, after arbitration, fails to comply with the award rendered.

"It is further agreed that arbitration here contemplated shall be in conformity, as to procedure, with Chapter III of the Convention for the Pacific Settlement of International Disputes adopted at The Hague, and that it shall determine, in so far as there shall be no agreement between the parties, the justice and the amount of the debt, the time and mode of payment thereof."

Such a provision would have prevented much injustice and extortion in the past, and I cannot doubt that its effect in the future will be most salutary.

A third advance has been made in amending and perfecting the convention of 1899 for the voluntary settlement of interna-

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tional disputes, and particularly the extension of those parts of that convention which relate to commissions of inquiry. The existence of those provisions enabled the Governments of Great Britain and Russia to avoid war, notwithstanding great public excitement, at the time of the Dogger Bank incident, and the new convention agreed upon by the Conference gives practical effect to the experience gained in that inquiry.

Substantial progress was also made towards the creation of a permanent judicial tribunal for the determination of international causes. There was very full discussion of the proposal for such a court and a general agreement was finally reached in favor of its creation. The Conference recommended to the signatory Powers the adoption of a draft upon which it agreed for the organization of the court, leaving to be determined only the method by which the judges should be selected. This remaining unsettled question is plainly one which time and good temper will solve.

A further agreement of the first importance was that for the creation of an international prize court. The constitution, organization and procedure of such a tribunal were provided for in detail. Anyone who recalls the injustices under which this country suffered as a neutral power during the early part of the last century can not fail to see in this provision for an international prize court the great advance which the world is making towards the substitution of the rule of reason and justice in place of simple force. Not only will the international prize court be the means of protecting the interests of neutrals, but it is in itself a step towards the creation of the more general court for the hearing of international controversies to which reference has just been made. The organization and action of such a prize court can not fail to accustom the different countries to the submission of international questions to the decision of an international tribunal, and we may confidently expect the results of such submission to bring about a general agreement upon the enlargement of the practice.

Numerous provisions were adopted for reducing the evil effects of war and for defining the rights and duties of neutrals.

The Conference also provided for the holding of a third Conference within a period similar to that which elapsed between the First and Second Conferences.

The delegates of the United States worthily represented the spirit of the American people and maintained with fidelity and ability the policy of our Government upon all the great questions discussed in the Conference.

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The report of the delegation, together with authenticated copies of the conventions signed, when received, will be laid before the Senate for its consideration.

When we remember how difficult it is for one of our own legislative bodies, composed of citizens of the same country, speaking the same language, living under the same laws, and having the same customs, to reach an agreement, or even to secure a majority upon any difficult and important subject which is proposed for legislation, it becomes plain that the representatives of forty-five different countries, speaking many different languages, accustomed to different methods of procedure, with widely diverse interests, who discussed so many different subjects and reached agreements upon so many, are entitled to grateful appreciation for the wisdom, patience, and moderation with which they have discharged their duty. The example of this temperate discussion, and the agreements and the efforts to agree, among representatives of all the nations of the earth, acting with universal recognition of the supreme obligation to promote peace, can not fail to be a powerful influence for good in future international relations.

Cuba.

A year ago in consequence of a revolutionary movement in Cuba which threatened the immediate return to chaos of the island, the United States intervened, sending down an army and establishing a provisional government under Governor Magoon. Absolute quiet and prosperity have returned to the island because of this action. We are now taking steps to provide for elections in the island and our expectation is within the coming year to be able to turn the island over again to a government chosen by the people thereof. Cuba is at our doors. It is not possible that this Nation should permit Cuba again to sink into the condition from which we rescued it. All that we ask of the Cuban people is that they be prosperous, that they govern themselves so as to bring content, order and progress to their island, the Queen of the Antilles; and our only interference has been and will be to help them achieve these results.

The Japanese Exposition.

An invitation has been extended by Japan to the Government and people of the United States to participate in a great national exposition to be held at Tokyo from April 1 to October 31, 1912, and in which the principal countries of the world are to be invited to take part. This is an occasion of special interest to all the nations of the world, and peculiarly so to us; for it is the first instance in which such a great national exposition has been held

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by a great power dwelling on the Pacific; and all the nations of Europe and America will, I trust, join in helping to success this first great exposition ever held by a great nation of Asia. The geographical relations of Japan and the United States as the possessors of such large portions of the coasts of the Pacific, the intimate trade relations already existing between the two countries, the warm friendship which has been maintained between them without break since the opening of Japan to intercourse with the western nations, and her increasing wealth and production, which we regard with hearty goodwill and wish to make the occasion of mutually beneficial commerce, all unite in making it eminently desirable that this invitation should be accepted. I heartily recommend such legislation as will provide in generous fashion for the representation of this Government and its people in the proposed exposition. Action should be taken now. We are apt to underestimate the time necessary for preparation in such cases. The invitation to the French Exposition of 1900 was brought to the attention of the Congress by President Cleveland in December, 1895; and so many are the delays necessary to such proceedings that the period of four years and a half which then intervened before the exposition proved none too long for the proper preparation of the exhibits.

German Tariff Agreement.

The adoption of a new tariff by Germany, accompanied by conventions for reciprocal tariff concessions between that country and most of the other countries of continental Europe, led the German Government to give the notice necessary to terminate the reciprocal commercial agreement with this country proclaimed July 13, 1900. The notice was to take effect on the 1st of March, 1906, and in default of some other arrangements this would have left the exports from the United States to Germany subject to the general German tariff duties, from 25 to 50 per cent higher than the conventional duties imposed upon the goods of most of our competitors for German trade.

Under a special agreement made between the two Governments in February, 1906, the German Government postponed the operation of their notice until the 30th of June, 1907. In the meantime, deeming it to be my duty to make every possible effort to prevent a tariff war between the United States and Germany arising from misunderstanding by either country of the conditions existing in the other, and acting upon the invitation of the German Government, I sent to Berlin a commission composed of

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competent experts in the operation and administration of the customs tariff, from the Departments of the Treasury and Commerce and Labor. This commission was engaged for several months in conference with a similar commission appointed by the German Government, under instructions, so far as practicable, to reach a common understanding as to all the facts regarding the tariffs of the United States and Germany material and relevant to the trade relations between the two countries. The commission reported, and upon the basis of the report, a further temporary commercial agreement was entered into by the two countries, pursuant to which, in the exercise of the authority conferred upon the President by the third section of the tariff act of July 24, 1897, I extended the reduced tariff rates provided for in that section to champagne and all other sparkling wines, and pursuant to which the German conventional or minimum tariff rates were extended to about 96½ per cent of all the exports from the United States to Germany. This agreement is to remain in force until the 30th of June, 1908, and until six months after notice by either party to terminate it.

The agreement and the report of the commission on which it is based will be laid before the Congress for its information.

This careful examination into the tariff relations between the United States and Germany involved an inquiry into certain of our methods of administration which had been the cause of much complaint on the part of German exporters. In this inquiry I became satisfied that certain vicious and unjustifiable practices had grown up in our customs administration, notably the practice of determining values of imports upon detective reports never disclosed to the persons whose interests were affected. The use of detectives, though often necessary, tends towards abuse, and should be carefully guarded. Under our practice as I found it to exist in this case, the abuse had become gross and discreditable. Under it, instead of seeking information as to the market value of merchandise from the well-known and respected members of the commercial community in the country of its production, secret statements were obtained from informers and discharged employees and business rivals, and upon this kind of secret evidence the values of imported goods were frequently raised and heavy penalties were frequently imposed upon importers who were never permitted to know what the evidence was and who never had an opportunity to meet it. It is quite probable that this system tended towards an increase of the duties collected upon imported goods, but I conceive it to be a violation of law to exact

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more duties than the law provides, just as it is a violation to admit goods upon the payment of less than the legal rate of duty. This practice was repugnant to the spirit of American law and to American sense of justice. In the judgment of the most competent experts of the Treasury Department and the Department of Commerce and Labor it was wholly unnecessary for the due collection of the customs revenues, and the attempt to defend it merely illustrates the demoralization which naturally follows from a long continued course of reliance upon such methods. I accordingly caused the regulations governing this branch of the customs service to be modified so that values are determined upon a hearing in which all the parties interested have an opportunity to be heard and to know the evidence against them. Moreover our Treasury agents are accredited to the government of the country in which they seek information, and in Germany receive the assistance of the quasi-official chambers of commerce in determining the actual market value of goods, in accordance with what I am advised to be the true construction of the law.

These changes of regulations were adapted to the removal of such manifest abuses that I have not felt that they ought to be confined to our relations with Germany; and I have extended their operation to all other countries which have expressed a desire to enter into similar administrative relations.

I ask for authority to re-form the agreement with China under which the indemnity of 1900 was fixed, by remitting and cancelling the obligation of China for the payment of all that part of the stipulated indemnity which is in excess of the sum of eleven million, six hundred and fifty-five thousand, four hundred and ninety-two dollars and sixty-nine cents, and interest at four per cent. After the rescue of the foreign legations in Peking during the Boxer troubles in 1900 the Powers required from China the payment of equitable indemnities to the several nations, and the final protocol under which the troops were withdrawn, signed at Peking, September 7, 1901, fixed the amount of this indemnity allotted to the United States at over $20,000,000, and China paid, up to and including the 1st day of June, last, a little over $6,000,000. It was the first intention of this Government at the proper time, when all claims had been presented and all expenses ascertained as fully as possible, to revise the estimates and account, and as a proof of sincere friendship for China voluntarily to release that country from its legal liability for all payments in excess of the sum

China.

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which should prove to be necessary for actual indemnity to the United States and its citizens.

Chinese Students.

This Nation should help in every practicable way in the education of the Chinese people, so that the vast and populous Empire of China may gradually adapt itself to modern conditions. One way of doing this is by promoting the coming of Chinese students to this country and making it attractive to them to take courses at our universities and higher educational institutions. Our educators should, so far as possible, take concerted action toward this end.

Mexico and Central America.

On the courteous invitation of the President of Mexico, the Secretary of State visited that country in September and October and was received everywhere with the greatest kindness and hospitality.

He carried from the Government of the United States to our southern neighbor a message of respect and good will and of desire for better acquaintance and increasing friendship. The response from the Government and the people of Mexico was hearty and sincere. No pains were spared to manifest the most friendly attitude and feeling toward the United States.

In view of the close neighborhood of the two countries the relations which exist between Mexico and the United States are just cause for gratification. We have a common boundary of over 1,500 miles from the Gulf of Mexico to the Pacific. Much of it is marked only by the shifting waters of the Rio Grande. Many thousands of Mexicans are residing upon our side of the line and it is estimated that over 40,000 Americans are resident in Mexican territory and that American investments in Mexico amount to over seven hundred million dollars. The extraordinary industrial and commercial prosperity of Mexico has been greatly promoted by American enterprise, and Americans are sharing largely in its results. The foreign trade of the Republic already exceeds $240,000,000 per annum, and of this two-thirds both of exports and imports are exchanged with the United States. Under these circumstances numerous questions necessarily arise between the two countries. These questions are always approached and disposed of in a spirit of mutual courtesy and fair dealing. Americans carrying on business in Mexico testify uniformly to the kindness and consideration with which they are treated and their sense of the security of their property and enterprises under the wise

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administration of the great statesman who has so long held the office of Chief Magistrate of that Republic.

The two Governments have been uniting their efforts for a considerable time past to aid Central America in attaining the degree of peace and order which have made possible the prosperity of the northern parts of the Continent. After the peace between Guatemala, Honduras, and Salvador, celebrated under the circumstances described in my last Message, a new war broke out between the Republics of Nicaragua, Honduras, and Salvador. The effort to compose this new difficulty has resulted in the acceptance of the joint suggestion of the Presidents of Mexico and of the United States for a general peace conference between all the countries of Central America. On the 17th day of September last a protocol was signed between the representatives of the five Central American countries accredited to this Government agreeing upon a conference to be held in the City of Washington "in order to devise the means of preserving the good relations among said Republics and bringing about permanent peace in those countries." The protocol includes the expression of a wish that the Presidents of the United States and Mexico should appoint "representatives to lend their good and impartial offices in a purely friendly way toward the realization of the objects of the conference." The conference is now in session and will have our best wishes and, where it is practicable, our friendly assistance.

International Bureau of American Republics.

One of the results of the Pan American Conference at Rio Janeiro in the summer of 1906 has been a great increase in the activity and usefulness of the International Bureau of American Republics. That institution, which includes all the American Republics in its membership and brings all their representatives together, is doing a really valuable work in informing the people of the United States about the other Republics and in making the United States known to them. Its action is now limited by appropriations determined when it was doing a work on a much smaller scale and rendering much less valuable service. I recommend that the contribution of this Government to the expenses of the Bureau be made commensurate with its increased work.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
December 3, 1907.

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LIST OF PAPERS, WITH SUBJECT OF CORRESPONDENCE.

CIRCULARS.

No.	From and to whom.	Date.	Subject.	Page.
	Circulars	1907. Jan. 30	Regulations for preventing collisions at sea. Incloses copy of act of Congress, approved Jan. 19, 1907, to take effect Jan. 1, 1908, amending, in certain particulars, the act of Aug. 19, 1890.	1
	.....do.....	Apr. 19	Expatriation. Instructions regarding course to be followed in determining question of expatriation.	3
	.....do.....	...do....	Registration of American citizens. Quotes paragraph 172 of the Consular Regulations, as amended by executive order of Apr. 8, 1907, and outlines course to be followed.	6
	.....do.....	...do....	Reports of fraudulent naturalization. Quotes executive order of Apr. 6, and issues instructions as to manner of making reports.	8
	.....do.....	...do....	Children of citizens born abroad. Quotes executive order of Apr. 6, and outlines course to be followed.	9
	.....do.....	...do....	Registration of women who desire to resume or retain American citizenship. Quotes from executive order of Apr. 6, and outlines course to be followed.	10
	.....do.....	...do....	Issuance of passports. Quotes paragraphs 150, 151, 152, and 163 of Diplomatic Instructions and Consular Regulations, as amended by executive order Apr. 6, 1907.	13
	.....do.....	July 30	Third international sanitary convention, Mexico City, Dec. 2-7, 1907. Makes known department's interest in proposed convention.	840
	.....do.....	Aug. 31	Cruise of the Atlantic Fleet to the Pacific coast. Incloses copy of a letter from Navy Department giving itinerary of fleet of battle ships and a torpedo flotilla which will sail in December from the North Atlantic to the Pacific coast of the United States. Directs that the matter be brought to the attention of the foreign office of the respective countries.	15

ARGENTINE REPUBLIC.

	Mr. White to Mr. Root.....	1907. Jan. 7	Registration of child of diplomatic officer born abroad. Incloses authenticated copy of birth of his son, Henry Wilding White, and inquires whether there are any provisions for registration of birth abroad of children of diplomatic officers.	38
476	Mr. Beaupre to Mr. Root....	Jan. 16	Arrangement for the settlement of the boundary dispute between Bolivia and Paraguay. Reports submission to the President of the Argentine Republic of pending question of boundary between Paraguay and Bolivia. Incloses clipping with map of territory in dispute.	85
	Same to same (telegram)....	Feb. 8	Revolutionary disturbances. States that early yesterday morning a revolution took place in San Juan; that revolutionists expelled provincial government and established provisional government; took government house, police station, and prison. Also states Federal Government intervened, and pending the decision of the arbiter, has taken control without opposition from revolutionists.	16
489	Same to same.....	...do....	Same subject. Confirms telegram of this date and gives full particulars of causes and success of revolution, and of Federal Government's intervention.	16
104	Mr. Bacon to Mr. Beaupre...	...do....	Amendment of the Argentine customs regulations. Acknowledges No. 456, transmitting an executive decree which tends to ameliorate, in a mutually beneficial manner, restrictions on commerce.	41
492	Mr. Beaupre to Mr. Root....	Feb. 14	Revolutionary disturbances. Refers to his No. 489 of the 8th instant, and reports on course taken by Federal Government in regard to feeling of alarm and unrest prevailing throughout Republic since death of President Quintana.	18

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ARGENTINE REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Bacon to Mr. White....	Feb. 15	Registration of the child of diplomatic officer born abroad. Acknowledges receipt of Mr. White's dispatch of 7th ultimo, and says that department has no prescribed formality for establishing citizenship of foreign-born children of diplomatic and consular officers.	38
496	Mr. Beaupre to Mr. Root....	Feb. 21	Boundary dispute between Argentine Republic and Brazil. Incloses copies of decree approving final acts of mixed international commission of limits with Brazil.	22
	Mr. Bacon to Mr. Portela....	Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
512	Mr. Beaupre to Mr. Root....	Mar. 20	Jurisdiction over offense of criminal libel committed by an American citizen in Egypt. States that he has received card stating that passport has been refused to one Waldberg "on ground that his character and conduct are such that department does not see fit to issue one to him," and requests to be informed as to what extent the personal character and conduct of an American citizen may enter into the consideration of his right to a passport.	1082
118	Mr. Bacon to Mr. Beaupre...	Apr. 10	Bonds of the Entre Rios Eastern Railway Company. Incloses copy of letter from A. A. Lisman & Co., and directs him to secure information desired and transmit it to department.	39
120	Mr. Wilson to Mr. Beaupre..	Apr. 27	Jurisdiction over offense of criminal libel committed by an American citizen in Egypt. Acknowledges No. 512, and explains that issuance of passports is discretionary act on part of Secretary of State, who may, for reasons deemed by him to be sufficient, direct refusal of passport to an American citizen.	1082
540	Mr. Beaupre to Mr. Root....	May 10	Message of the President of Argentine Republic to Argentine Congress. Reports opening of Forty-sixth National Congress on 8th instant, and incloses copies of President's message.	20
	Mr. Bacon to Mr. Beaupre (telegram).	July 18	Rejection of shipment of deviled ham. States that Department of Agriculture was advised that 225 cases of deviled ham packed by Underwood Company, Boston, were rejected by Argentine officials on account of alleged presence of borax and cases ordered removed within three days. Department of Agriculture unable to credit finding. Directs Mr. Beaupre to delay reshipment until further investigation, and if possible have samples sent here.	23
	Mr. Beaupre to Mr. Root (telegram.)	July 19	Same subject. States that government's analysis deviled ham shows small quantity boric acid and that time had been granted for reshipment until an investigation has been made. Adds that he will send samples.	23
567	Same to same.....	July 20	Same subject. States that he succeeded in having orders given for extension of time for reshipment of cases deviled ham until proper investigation can be made. Incloses two sample tins, inspected in United States by Department of Agriculture. Analysis made by Argentine Republic of said tins certifies that ham contains boric acid. Desires to be instructed should department's investigations prove that ham contains boric acid.	23
	Same to same (telegram)....	July 31	Same subject. States that shipments of deviled ham arriving and being rejected and that one month's time is given for reshipment. Says no more time could be obtained.	24
575	Same to same.....	...do.....	Same subject. Refers to his telegram of even date and his No. 567, 20th instant, relative to rejection of Underwood's deviled ham by Argentine authorities on ground that it contains boric acid, and advises department that he has with difficulty succeeded in getting the Argentine authorities to extend time for reshipment to one month.	25
	Mr. Adee to Mr. Beaupre (telegram).	Aug. 2	Same subject. Informs Mr. Beaupre that Department of Agriculture states that chemical examinations of Underwood's deviled ham less than one-thousandth of 1 per cent boric acid and suggests that representations be made to Argentine Government that such quantity can not indicate added borax or borax as a preservative; directs him to act accordingly. Adds that it is practically impossible for packers to ship if such infinitesimal trace is sufficient to exclude.	25

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ARGENTINE REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Beaupre to Mr. Root (telegram).	Aug. 2	Same subject. States that shipment of deviled ham referred to in department's telegram of 19th ultimo again analyzed by Government found that it does not contain boric acid and passed.	25
	Same to same (telegram).....	Aug. 3	Same subject. States that matter so arranged that he thinks there will be no more difficulty concerning admission of deviled ham.	26
579	Same to same.....	...do.....	Same subject. Report satisfactory settlement of deviled ham controversy and incloses newspaper article concerning matter and letter addressed by him to Minister for Foreign Affairs but not sent.	26
585	Same to same.....	Aug. 9	Railway-concession law. Reports that National Deputy Emilio Mitre presented in Chamber of Deputies project of law relating to future railway concessions and to existing railways in Argentine Republic. Gives summary of speech made by Deputy Mitre.	42
133	Mr. Adee to Mr. Beaupre.....	Aug. 31	Cruise of the Atlantic Fleet to the Pacific coast. Incloses copy of letter from Navy Department giving the itinerary of a fleet of battle ships and torpedo flotilla, and instructs him to bring the matter to attention of Foreign Office.	15
	Mr. Wilson to Mr. Root (telegram).	Sept. 10	Rejection of shipment of deviled ham. States that 100 cases Underwood's deviled ham, Agricultural Department certificate No. 59859, refused entry, government analysis showing boric acid. Adds he is informed other shipments already arrived will be refused on same account.	26
	Mr. Adee to Mr. Wilson (telegram).	Sept. 11	Same subject. Acknowledges receipt of telegram of 10th, and informs him that Department of Agriculture states repeated chemical examinations of Underwood's deviled ham shows no added boric acid. Requests that Argentine Government be asked to make additional analysis; also that samples be forwarded here for examination. Directs him to ask reexamination.	27
606	Mr. Wilson to Mr. Root.....	Sept. 12	Same subject. Refers to his telegram of 10th instant and transmits samples of consignment of Underwood's deviled ham which has been rejected because of alleged presence of borax. States that ham was ordered reshipped immediately but that he has obtained a short delay, pending a further analysis; that should this analysis show presence of boric acid, the Argentine Government has given full notice that tinned meat containing this substance can not enter country.	27
135	Mr. Adee to Mr. Wilson.....	Sept. 13	Same subject. Acknowledges No. 579 and states that department regrets that there has been renewal of this troublesome question.	27
613	Mr. Wilson to Mr. Root.....	Sept. 25	Same subject. Reports that an analysis by Argentine officials failed to show presence of boric acid in tins of Underwood's deviled ham of larger size, but only in the smaller tins, sample of which is inclosed. Incloses copy of report of examination made by Argentine department of agriculture.	28
614	Same to same.....	...do.....	Bonds of the Entre Rios Eastern Railway Company. Refers to department's No. 118, and incloses copy of note from ministry of foreign affairs in regard to same.	39
621	Same to same.....	Oct. 4	Railway-concession law. Refers to dispatch No. 585 and incloses copies of railway concessions law.	45
	Same to same (telegram)....	Oct. 5	Revolutionary disturbances. States that situation in Province of Corrientes is serious, but confined to that province. Says that several fights have taken place between government and revolutionary forces, and that *Las Palmas*, a steamer belonging to American citizen, has been seized. States that he has requested Government to take necessary steps for its return. Adds that revolutionists have two boats belonging to Italian subjects.	19
627	Same to same.....	Oct. 9	Convention between Argentine Republic and Republic of Uruguay, concerning letters rogatory. Incloses copies of convention between Argentine Republic and oriental Republic of Uruguay, providing for suppression of authentication of signatures in requisitorial letters between courts of two countries.	47
	Same to same (telegram)....	...do.....	Revolutionary disturbances. Refers to his cablegram of 5th instant and states that steamer *Las Palmas* was returned to owner yesterday.	19

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ARGENTINE REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
624	Same to same	Oct. 9	Same subject. Confirms his telegrams of Oct. 5 and 9, and reports at length action taken by legation in case of seizure of steamer *Las Palmas*.	20
	Same to same (telegram)	Oct. 16	Rejection of shipment of deviled ham. Refers to his cable of September 10, and states that new analysis shows no boric acid; that all ham now at custom-house will be admitted, and that all future shipments will be admitted subject to occasional analysis.	29
629	Same to same	...do.....	Same subject. Confirms his telegram of 15th instant, and makes further report.	29
630	Same to same	Oct. 17	Same subject. Refers to his No. 629, incloses three analyses Underwood's deviled ham, and requests, in behalf of the Argentine bureau of animal industry, full information relative to United States regulations on subject of boric acid in meat products. Also asks that copy of analysis of ham in question, made by Department of Agriculture, be sent him.	30
638	Same to same	Nov. 6	Same subject. Refers to his No. 629 and previous correspondence, and incloses copies of the "Boletin del Ministerio de Relationes Exteriores," No. 107, concerning presence of boric acid in animal food products imported into that country.	32
146	Mr. Bacon to Mr. Wilson	Nov. 26	Same subject. Referring to Mr. Wilson's No. 613; incloses a copy of letter from Secretary of Agriculture regarding analysis made by his department of the contents of tin referred to.	35
149	Same to same	Dec. 6	Same subject. Incloses copy of letter from Acting Secretary of Agriculture inclosing reports of analysis of samples of ham referred to, and copy of regulations governing meat inspection of the United States.	36
456	Mr. Beaupre to Mr. Root	Dec. 14	Amendment of the Argentine customs regulations. Refers to dispatch No. 381, and incloses copy of an executive decree annulling article 89 of decree of May 31 last regulating customs law.	40
151	Mr. Bacon to Mr. Wilson	Dec. 19	Rejection of shipment of deviled ham. Refers to Mr. Wilson's No. 638; incloses for communication to the Argentine Government copy of letter from Secretary of Agriculture.	37

AUSTRIA-HUNGARY.

		1906.		
58	Mr. Bacon to Mr. Francis	Dec. 14	Military service of Peter Szatkowski. Incloses for action and report copy of letter from Mr. F. C. Milinski, stating that Peter Szatkowski, a naturalized citizen of the United States, has been impressed into Austrian army. Also incloses passport application of Mr. Szatkowski.	50
133	Mr. Francis to Mr. Root	Dec. 28	Universal suffrage in Austria. States that reform bill by which right of suffrage shall be extended to every male above 24 and constituencies established on racial instead of geographical lines passed to lower house upon the direct and earnest intervention of the Emperor. The upper house will pass it as soon as amendments to the constitution in regard to life membership shall have been concurred in by other houses. Enumerates the many political parties and their attitude toward new law.	56
135	Same to same	Dec. 31	Military service of Peter Szatkowski. Acknowledges receipt of department's No. 58 and states that attention of ministry of foreign affairs will be called to facts in case and that he will request immediate dismissal of Mr. Szatkowski from army.	50
		1907.		
157	Same to same	Jan. 25	Universal suffrage in Austria. States that bill referred to in embassy's No. 133 was passed by House of Peers and only requires signature of Emperor to become law.	57
	Mr. Root to Mr. Francis	Jan. 30	Regulations for preventing collisions at sea. Incloses copy of an act of Congress, approved Jan. 19, 1907, to take effect Jan. 1, 1908, amending, in certain particulars, the act of Aug. 19, 1890.	1
175	Mr. Francis to Mr. Root	Feb. 16	Admission of American meats into Austria. Incloses copies of correspondence with minister for foreign affairs.	62

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AUSTRIA-HUNGARY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Memorandum from the Austro-Hungarian embassy.	Apr. 1	Foreigners killed or injured while in service of the United States Government. Memorandum from the Austro-Hungarian embassy relating to foreigners killed or injured while in service of the United States Government.	58
211	Mr. Francis to Mr. Root....	Apr. 19	Admission of American meats into Austria. States that he has been unable to receive any reply from the Austrian Government, whether the decree of July 5, 1906, would be modified so as to admit into Austria the meats and meat products which have been inspected and passed by government officials of the United States. Incloses copy of note to the minister for foreign affairs. Asks instructions as to future actions in this matter.	64
231	Same to same.....	May 17	Universal suffrage in Austria. Refers to his No. 133, relative to the passage of universal franchise bill and introduction of universal suffrage into Austria, and reports results of first general election under new system. Says that so far as can be determined, the new chamber will be composed chiefly of socialist and clerical members, with very large socialist majority. Adds that election was characterized by perfect order and that apparently universal suffrage has made a most notable entrance into Austria.	57
237	Same to same.....	May 27	Military service of Peter Szatkowski. Incloses copy of note received from the ministry of foreign affairs.	51
1087	Mr. Hengelmuller to Mr. Root.	May 30	Request for observance by the several States of the provision of Article XVI of the consular convention concerning notice of deceased Austro-Hungarians in the United States whose heirs or executors are unknown. States that he has been informed by his Government that reports have been received from all Austro-Hungarian consulates that notices are not given to said consulates of death within their States of the Austrian or Hungarian citizens whose heirs or executors are unknown. Asks to be advised regarding measures which this Government has found necessary to take in compliance with foregoing request.	52
	Memorandum to the Austro-Hungarian embassy.	June 1	Foreigners killed or injured while in the service of the United States Government. Refers to memorandum of Austro-Hungarian embassy and gives report of First Lieut. E. N. Johnston, Corps of Engineers, on the subject. States that under these circumstances department regrets that it would be compelled to say in response that department can not afford relief in cases of this character.	59
1156	Mr. Hengelmuller to Mr. Root.	June 12	Request for observance by several States of provision of Article XVI of consular convention concerning notice of deceased Austro-Hungarians in the United States whose heirs or executors are unknown. Acknowledges receipt of department's No. 257, and states that no complaints of character described in his note No. 1087 from the consular officer in Porto Rico, Hawaii, and Philippine Islands.	53
261	Mr. Bacon to Mr. Ambrozy.	June 22	Same subject. States that department will now have pleasure in complying with request contained in ambassador's note No. 1087, in regard to notifying different States of the Union of the requirement of Article XVI of consular convention of June 11, 1870, between the United States and Austria-Hungary.	53
257	Mr. Francis to Mr. Root....	...do....	Imperial speech to Parliament. Reports opening of new Austrian Parliament and gives synopsis of Emperor's speech.	60
	Mr. Adee to governors of the States.	June 27	Request for observance by several States of provision of Article XVI of the consular convention concerning notice of deceased Austro-Hungarians in the United States whose heirs or executors are unknown. Incloses copy of Article XVI of consular convention and states that the Austrian embassy at this capital alleges that local authorities of States of this Union fail to comply with stipulations of this article. Asks that provisions of articles be brought to competent local authorities in State in order that stipulations may be complied with. Also incloses list of Austro-Hungarian consular officers in the United States and of their districts.	53

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AUSTRIA-HUNGARY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
262	Mr. Adee to Mr. Ambrozy..	June 28	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Refers to note No. 1206, of June 19, and informs him that administrative provisions set forth in commercial agreement between Government of Germany and that of the United States are intended to be applicable in principle to all countries.	486
139	Mr. Bacon to Mr. Rives....	Aug. 8	Reciprocal protection of trade-marks and copyrights in China. Informs him that agreements for reciprocal protection of trade-marks in China have been effected by exchange of notes between American minister at Peking and diplomatic representatives at that capital, and incloses copy of agreement with France as a sample. Instructs him to bring matter to attention of foreign office with a view to obtain, if possible, necessary instructions to Austro-Hungarian representative at Peking in order that he may effect agreement.	258
1632	Mr. Ambrozy to Mr. Root..	Aug. 15	Application to other countries of administrative provisions of commercial agreement between the United States and Germany. Refers to note No. 262 of June 28, relative to application to Austria-Hungary of certain nonadministrative provisions of American-German commercial agreement, incloses copy of Austrian law of June 29, 1868, and asks to be informed whether Austrian chambers of commerce will be recognized on same basis as those of the German Empire as far as issuance of certificates of value is concerned.	487
274	Mr. Adee to Mr. Ambrozy..	Sept. 3	Same subject. Refers to note of Aug. 15, and telegram of Aug. 30, and states that department has been informed by Acting Secretary of the Treasury that provisions of diplomatic note annexed to commercial agreement between the United States and Germany have been extended to Austrian chambers of commerce and industry.	487
1787	Mr. Ambrozy to Mr. Root..	Sept. 7	Same subject. Refers to his note of Aug. 15, sets forth certain instructions which he has received from his Government relative to recognition of certificates of Austrian chambers of commerce on same footing as those of Germany, and incloses copy of extract from Austrian law of 1868 relating to chambers of commerce and industry.	488
1799	Same to same.....	Sept. 8	Same subject. Refers to department's No. 274, of Sept. 3, and requests that all customs officials who have received Treasury Circular No. 36 of 1906 be instructed that provisions of Point F in published diplomatic note appended to commercial agreement between United States and Germany have been extended to Austrian chambers of commerce and industry.	489
277	Mr. Adee to Mr. Ambrozy..	Sept. 14	Same subject. Acknowledges note of Sept. 8, and informs him that the certificates of value issued by Austrian chambers of commerce and industry will be accorded equally favorable treatment in all ports of entry of the United States.	490
	Proclamation by the President.	Sept. 20	Copyright agreement with Austria. Text of.	62
229	Mr. Root to Mr. Ambrozy..	Sept. 24	Application to other countries of administrative provisions of the commercial agreement between the United States and Germany. Refers to note of Sept. 7, and informs him that department has been advised by Acting Secretary of the Treasury that customs officers of the United States will be instructed in next issue of Treasury Decisions, that provisions of Point F of diplomatic note annexed to German-American commercial agreement have been extended to Austrian chambers of commerce and industry.	491
157	Mr. Root to Mr. Francis....	Oct. 25	Admission of American meats into Austria. Incloses copy of letter from Messrs. Armour & Co., complaining of refusal of Austrian Government to accept shipments of American pork unless accompanied by United States certificate of microscopic inspection. Instructs him to take matter up at once with the Austrian Government, and to urge acceptance of importations of American salted meats upon production of official certificate of inspection contemplated by the United States meat-inspection law of June 30, 1906.	65

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AUSTRIA-HUNGARY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
2252	Mr. Hengelmuller to Mr. Root.	Nov. 13	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. States that consulate of the United States at Vienna has not yet been informed that provisons in Point F of the annex to American-German commercial agreement have been extended to Austria, and asks steps be taken officially to inform American consuls in Austria and Hungary of the concessions thus made.	491
373	Mr. Francis to Mr. Root....	Nov. 14	Admission of American meats into Austria. Acknowledges No. 157 and says he has followed department's instructions. Incloses copy of note to minister of foreign affairs and states that up to present time no response has been received from the Imperial Government.	66
299	Mr. Root to Mr. Hengelmuller.	Dec. 5	Application to other countries of the administrative provisions of the commercial agreement between United States and Germany. Acknowledges No. 2252, of Nov. 13, and informs him that American consuls in Austria have been duly instructed as to application to Austria-Hungary of provisions in Point F of the annex to American-German commercial agreement.	492
391	Mr. Francis to Mr. Root....	Dec. 6	Military service of Peter Szatkowski. Incloses copy of note from foreign office informing embassy that Mr. Szatkowski is no longer bound to serve in army, and that all his papers have been returned to him.	51

BOLIVIA.

		1907.		
	Mr. Bacon to Mr. Calderon.	Mar. 5	The Second Peace Conference. See Note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
306	Mr. Sorsby to Mr. Root....	Mar. 7	Financial conditions. Transmits résumé of the Bolivian budget for 1907.	85
311	Same to same.....	Mar. 28	Arrangement for settlement of boundary dispute between Bolivia and Paraguay. Incloses certified copy of protocol submitting dispute to arbitration of Argentine Republic, a map showing region in dispute, and memorandum of Bolivian Government setting forth its position and soliciting friendly good offices of the United States to prevent possible interference of Brazilian Government.	87

BELGIUM.

(See also Kongo.)

		1906.		
141	Mr. Wilson to Mr. Root....	Dec. 18	Investigation of affairs in the Kongo. Reports at length proceedings and conclusions of debate in Belgian Parliament upon question of proposed annexation of Kongo Free State to Belgium.	795
		1907.		
	Mr. Root to Mr. Wilson (telegram).	Jan. 15	Same subject. Outlines attitude of the President...	799
146	Mr. Wilson to Mr. Root....	Jan. 23	Same subject. Reports manner of communicating telegram of 15th instant to the King. Incloses copy of royal decree relative to direct and personal taxes to be paid by natives.	800
149	Same to same.....	Jan. 27	Same subject. Incloses memorandum received from secretary of King, containing a statement of Kongo Government's policy and of workings of its administration.	802
	Mr. Root to Mr. Wilson....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
	Mr. Wilson to Mr. Root (telegram).	Feb. 7	Investigation of affairs in the Kongo. Transmits memorandum from minister for foreign affairs expressing his views relative to possible effect of Lodge resolution now before Senate.	806

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BELGIUM—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
93	Mr Bacon to Mr. Wilson....	Feb. 9	Same subject. Acknowledges his No. 146, of Jan. 23, in which he acknowledges department's telegram of 15th of same month communicating attitude of Government of the United States in relation to Kongo question, and informs him that his course in matter is approved. Instructs him to furnish list of members of diplomatic corps at Brussels accredited to sovereign of Kongo State and report how they are accredited.	806
157	Mr. Wilson to Mr. Root.....	Mar. 7	Discrimination against American products. Reports on discrimination against oil and incloses correspondence with foreign office on subject.	77
160	Same to same.....	Mar. 16	Investigation of affairs in Kongo. Refers to department's No. 93, of Feb. 9, and states that none of members of resident diplomatic corps in Brussels are accredited to sovereign of Kongo State. Sets forth methods of diplomatic representatives in transacting business with Kongo Free State.	807
	Mr. Root to Mr. Wilson (telegram).	Mar. 22	The Second Peace Conference. See telegram of Mar. 22 from Mr. Root to Mr. Leishman.	1114
	Mr. Wilson to Mr. Root (telegram).	Mar. 24	Same subject. Says he is in receipt of note from foreign office stating that Belgian Government offers no objections to Russian proposition relative to adhesion of nonsignatory powers to convention of 1899, provided proposition receives assent to all signatory powers.	1114
	Mr. Root to Mr. Wilson (telegram).	Mar. 27	Same subject. Refers to legation's telegram of 24th, and says inasmuch as department understands that Turkey, although signatory, has not ratified Hague conventions of 1899, and is not represented in permanent court, directs him to inquire whether under these circumstances Turkey, not having consummated engagements, can be regarded as party and Turkish assent required to constitute unanimity.	1115
	Mr. Wilson to Mr. Root (telegram).	Mar. 29	Same subject. Communicates note verbale from minister for foreign affairs which states that Belgium has informed Russian Government that she has no objection to mode of adhesion of nonsignatories to The Hague convention proposed by Russia, and that in regard to situation of Turkey, which signed and did not ratify convention, and to which Russia addressed circular of Apr. 19, 1906, it is supposed that explanations in this respect ultimately will be given.	1116
96	Mr. Bacon to Mr. Wilson....	Apr. 1	Investigation of affairs in the Kongo. Acknowledges his No. 160 of Mar. 16. Informs him in view of his report that none of powers has accredited a diplomatic representative to sovereign of the Kongo Free State, no change in practice of United States in this regard seems necessary.	807
97	Same to same.....	Apr. 3	Discrimination against American products. Acknowledges dispatch No. 157 and commends action in case.	78
175	Mr. Wilson to Mr. Root.....	May 7	Emigration agents of South Carolina, Louisiana, and Virginia in Europe. Incloses copy of note from minister for foreign affairs and asks for an expression of department's views on subject. Suggests that copies of laws now in force be sent to him.	69
180	Same to same.....	May 15	Convention between Belgium and Sweden relative to property rights. Transmits text.	76
183	Same to same.....	June 4	Brussels sugar convention of March, 1902. States that he has been informed that Great Britain has given notice to the Belgian Government of conditional withdrawal of its adherence to Brussels sugar convention.	68
110	Mr. Root to Mr. Wilson.....	June 14	Emigration agents of South Carolina, Louisiana, and Virginia in Europe. Acknowledges Nos. 167 and 175 and states that question of employment of state agents to induce immigration from Europe is receiving consideration of Department of Commerce and Labor and that when conclusion is reached in matter that he will inform him.	71
197	Mr. Wilson to Mr. Root.....	July 8	Brussels sugar convention of March, 1902. Incloses copy of July number of La Sucrerie Belge, which contains discussion of denunciation by British Government of Brussels sugar convention and of causes which have led thereto.	68
196	Same to same.....	July 9	Additional extraditional treaty between Belgium and Great Britain. Transmits text.	84

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BELGIUM—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
199	Same to same	July 12	Investigation of affairs in the Kongo. Reports that on July 10 at session of Belgian House of Representatives the prime minister stated that Government proposed to take up immediately question of annexation of the Kongo. Incloses copies of correspondence, laid before House by the prime minister, recently exchanged between Belgian cabinet and secretary-general for foreign affairs of Independent State.	808
206	Mr. Bliss to Mr. Root	Aug. 10	Brussels sugar convention of March, 1902. Reports present status of question arising from Great Britain's proposal to withdraw from Brussels sugar convention of 1902.	69
215	Same to same	Aug. 27	Investigation of affairs in Kongo. Refers to legation's No. 199, of June 12, and gives names of delegates appointed by Belgian and Kongo Governments for drawing up of a convention to be submitted to Belgian legislative bodies.	809
216	Same to same	Aug. 29	Brussels sugar convention of March, 1902. Reports that additional act, drawn up at recent meeting of permanent commission of sugar convention, was signed yesterday on behalf of adhering powers by their diplomatic representatives accredited to Belgium.	69
461	Mr. Adee to Mr. Havenith	Oct. 12	Emigration agents of South Carolina, Louisiana, and Virginia in Europe. Acknowledges note of Aug. 22 last and incloses copy of opinion rendered by the Attorney-General.	71
131	Mr. Adee to Mr. Wilson	...do	Same subject. Refers to dispatch No. 167, and incloses copy of opinion rendered on September 30 in the case of allen Geronimo Garcia.	74
241	Mr. Wilson to Mr. Root	Oct. 16	Investigation of affairs in the Kongo. Incloses copy of text of bill for colonial law offered by present ministry.	810
249	Same to same	Nov. 13	Same subject. Reports meeting of Belgian Parliament, and states that present session will be directed to solution of question of annexation of the Kongo to Belgium.	812
251	Same to same	Nov. 14	Emigration agents of South Carolina, Louisiana, and Virginia in Europe. Acknowledges receipt of No. 131 and states that he has communicated substance of decision of Mr. Bonaparte to Belgian foreign office in note, copy of which he incloses.	74
	Proclamation by the President.	Dec. 2	Convention revising the duties imposed by the Brussels convention of June 8, 1899, on spirituous liquors imported into certain regions of Africa. Text of.	79
259	Mr. Wilson to Mr. Root	Dec. 4	International convention for the regulation of the traffic of spirits in Africa. Acknowledges receipt of department's telegram of 3d and incloses copy of note to minister of foreign affairs.	79
	Mr. Bacon to Mr. Wilson (telegram).	Dec. 6	Investigation of affairs in the Kongo. Informs him that Ambassador Reid has telegraphed substance of conversation with British minister for foreign affairs regarding Kongo matter, during which it was intimated that British minister to Belgium might concert with him on subject. Says he will be instructed later, but if approached in meantime by British minister to advise department of such suggestions as he may make.	825
	Mr. Wilson to Mr. Root (telegram).	Dec. 7	Same subject. Reports that British minister informed him on 4th instant that his Government had instructed him that their present attitude was one of expectancy; that they deemed the time inopportune for any concerted action. Says treaty of annexation has just been signed, and has passed into legislative discussion with fair prospect of satisfactory issue.	825
261	Same to same	...do	Same subject. Reports that treaty signed on Nov. 28 by Belgium Government and representatives of Kongo Free State was laid before Belgian house of representatives on Dec. 3 and immediately referred to committee of 17 with instructions to examine it in connection with colonial law committee is now framing for submission to Parliament. Incloses copies of pamphlet containing "Exposé des Motifs," and gives an outline of substance.	826
	Mr. Root to Mr. Wilson (telegram).	Dec. 16	Same subject. Sets forth attitude of the United States Government in the Kongo matter, and instructs him to impress these considerations on his British colleague and in his discretion any other of his colleagues who may consult him on the subject.	829

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BRAZIL.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Griscom to Mr. Root (telegram).	Jan. 2	Preferential tariff concessions in favor of American products. States that continuance of our 20 per cent preferential tariff reduction was authorized by Congress which expired Dec. 30, and that the preferential continues as before, except that linotypes and cash registers are added under classification of typewriters.	90
37	Mr. Bacon to Mr. Lorillard..	Jan. 5	Same subject. Acknowledges telegram of 2d instant, and incloses copy of Daily Consular and Trade Reports containing list of articles of American origin to which preferential reduction applied last year.	90
	Mr. Lorillard to Mr. Root (telegram).	Jan. 10	Same subject. Reports that President of Brazil signed decree yesterday continuing our 20 per cent preferential tariff until Dec. 31 next.	91
	Mr. Bacon to Mr. Lorillard (telegram).	...do.....	Same subject. States that action of the President of Brazil decreeing continuance of preferential tariff is highly appreciated as evidence of friendly good will.	91
90	Mr. Lorillard to Mr. Root...	...do.....	Regulations concerning the expulsion of foreigners from Brazil. Incloses copies of new Brazilian law relative to expulsion of foreigners; calls attention to article 3 of law.	113
96	Same to same.....	Jan. 14	Preferential tariff concession in favor of American products. Quotes telegrams exchanged regarding 20 per cent reduction on American flour. Incloses copy of decree of June 30, 1906.	91
45	Mr. Bacon to Mr. Nabuco...	Jan. 22	Additional and amendatory agreement to commercial agreement of May 22, 1899, between United States and Portugal. Acknowledges his note of Jan. 18, and states that agreement will be proclaimed by the President Jan. 24, making it simultaneous in both countries.	954
102	Mr. Lorillard to Mr. Root...	Jan. 30	Preferential tariff concessions in favor of American products. Incloses note from minister of foreign affairs and states that customs delegate at Pernambuco has been directed to return additional duties collected on American flour during period extending from Jan. 1 to Jan. 17 last. Adds that he has so informed consul at Pernambuco.	93
109	Same to same.....	Feb. 15	Same subject. Acknowledges instruction No. 37 and refers to his Nos. 96 and 102, in which he informed department that owing to representations of embassy the President of Brazil decreed continuance of our old preferential tariff reduction for whole year 1907, and that surplus duties collected on American flour since Jan. 1, 1907, and before date of said decree be returned.	94
49	Mr. Bacon to Mr. Lorillard..	Feb. 21	Same subject. Acknowledges No. 96 and instructs him to ask return to importers of any excess duties above preferential rates that may be brought to his attention as having been collected in January on shipments of American products entitled to preferential treatment.	94
	Mr. Bacon to Mr. Nabuco...	Mar. 5	The Second Peace Conference. Communicates purport of telegram from American ambassador at St. Petersburg, and says as there seems to be no doubt that Russian proposal will be accepted by all powers, preparations for attendance at second conference would be justified, in view of fact that time before meeting of conference is growing short and that Russian Government may not deem it proper to communicate with him until all answers have been received.	1113
9	Mr. Dudley to Mr. Root.....	Apr. 25	Denunciation of treaties between Brazil and certain other powers. Reports denunciation by Brazil Government of treaties between Brazil and certain other powers.	117
24	Same to same.....	June 3	Brazilian immigration regulations. Incloses copy of new Brazilian immigration law.	95
30	Same to same.....	June 5	Regulations concerning the expulsion of foreigners from Brazil. Incloses copies of regulations providing for enforcement of Brazilian law for expulsion of undesirable foreigners.	115
25	Mr. Adee to Mr. Dudley.....	Aug. 31	Cruise of the Atlantic Fleet to the Pacific coast. See instruction No. 133, of Aug. 31, 1907, to Argentina.	15
37	Same to same.....	Oct. 11	Regulations concerning the expulsion of foreigners from Brazil. Instructs him to inform Brazilian Government that in case decree should be found as interpreted in actual practice to conflict with rights secured to citizens of the United States by treaty provisions, or by principles of law of nations, this Government reserves the right to bring such infractions of rights of its citizens to attention of Brazilian Government.	117

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BRAZIL—Continued.

No.	From and to whom.	Date.	Subject.	Page.
105	Mr. Dudley to Mr. Root.....	1907. Dec. 21	Agreements between Brazil and Colombia. Incloses translations of treaty of boundaries and navigation between Brazil and Colombia; modus vivendi relative to navigation and commerce on the Ica or Putumayo; a protocol complementary to modus vivendi agreement; and letter from minister for foreign affairs, transmitting these documents to President of Brazil for submission to ratification of Federal Congress.	108

BULGARIA.

192	Mr. Jackson to Mr. Root....	1907. Jan. 21	Commercial arrangement between Bulgaria and Turkey. Reports that Bulgarian Sobranje will reconvene on the 22d, and that just before adjourning for holidays it authorized the Government to put into force new commercial agreement with Ottoman Empire.	119
199	Same to same.....	Feb. 14	Same subject. Transmits copy of commercial and customs arrangement which was concluded with Ottoman Empire.	119

CHILE.

	Mr. Root to Mr. Hicks.....	1907. Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
125	Mr. Hicks to Mr. Reot.....	Feb. 28	The Second Peace Conference. Incloses law passed by Chilean Congress on Feb. 15, 1907, concerning the acceptance by Chilean Government of conclusions of First Conference at The Hague.	1126
	Mr. Bacon to Mr. Yoacham .	Mar. 5	Same subject. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
150	Mr. Janes to Mr. Root.....	June 4	Message of the President of Chile to the Chilean Congress. Incloses message of the President of Chile to national legislature.	126
157	Same to same.....	July 11	Treaty of friendship, commerce, and navigation between Chile and Japan. Refers to instructions No. 62, and incloses copies of treaty of friendship, commerce, and navigation between Chile and Japan.	120
162	Same to same.....	Aug. 5	Citizenship of children born of foreign parents residing in Chile. Transmits copy of decision by court of appeals regarding citizenship of children born of foreign parents residing in Chile.	124
72	Mr. Adee to Mr. Hicks.....	Aug. 31	Cruise of the Atlantic Fleet to the Pacific coast. See instruction No. 133, of Aug. 31, 1907, to Argentina.	15

CHINA.

71	Mr. Bacon to Mr. Chentung.	1906. Apr. 13	Issuance and visé of section 6 certificates. Acknowledges note of 28th ultimo relative to a certificate issued by Chinese consul-general at Johannesburg to Dr. F. C. Yen, informs him that copy of his note was sent to Secretary of Commerce and Labor for his consideration, and incloses his reply thereto.	268
72	Mr. Chentung to Mr. Root..	Apr. 18	Same subject. Acknowledges note of 13th instant relative to case of Dr. F. C. Yen, and says he will take an early opportunity to bring to attention of his Government suggestion of Secretary of Commerce and Labor that Imperial Government empower persons located in countries other than China to grant to Chinese subjects there resident the certificates prescribed by laws of the United States.	270
366	Mr. Root to Mr. Rockhill....	Aug. 1	Same subject. Incloses copy of note from Prince of Ch'ing relative to entry into the United States from other countries than China of Chinese of the exempt class.	271

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1906.		
77	Mr. Chentung to Mr. Root..	Sept. 14	Same subject. Refers to department's note of Apr. 13, states that the Chinese Government has designated its diplomatic and consular officers in countries other than China to grant to Chinese subjects there resident certificates prescribed by laws of the United States, and asks that this action be communicated to Secretary of Commerce and Labor.	272
78	Mr. Adee to Mr. Chentung...	Sept. 18	Protection of Chinese in Guatemala. Incloses copy of dispatch from Guatemala, with inclosures re protection of Ramon Chan, and states that his Chinese nationality had not been ascertained.	592
190	Mr. Adee to Mr. Rockhill...	Sept. 22	Issuance and visé of section 6 certificates. Acknowledges dispatch No. 366 of 1st ultimo, relative to designation by Chinese Government of officials located in countries other than China to grant to Chinese subjects there resident certificates prescribed by the United States laws, calls attention to certain objections to designations thus made, and instructs him to bring points of objection to attention of the foreign office.	272
79	Mr. Adee to Mr. Chentung...	Sept. 28	Same subject. Acknowledges note No. 77 of Sept. 14, relative to the granting of section 6 certificates to Chinese subjects of the exempt classes coming from countries other than China to the United States, sets forth certain objections to the plan proposed by the Chinese Government, and asks that these objections be brought to the attention of his Government.	274
	Mr. Chentung to Mr. Adee..	Oct. 18	Same subject. Acknowledges note of Sept. 28, and states that he has communicated to his Government for its consideration objections stated to plan proposed with regard to granting of section 6 certificates to Chinese subjects of exempt classes coming from countries other than China to the United States.	275
439	Mr. Coolidge to Mr. Root....	Nov. 6	Same subject. Acknowledges instruction No. 190 of Sept. 22, and incloses copy of note to the foreign office calling attention to the desire of the United States that authority to grant certificates to Chinese of exempt classes entering the United States from some other country than China be further limited.	275
454	Same to same.....	Nov. 20	Same subject. Refers to dispatch No. 439, and incloses copy of correspondence between the legation and the foreign office relative to issuance of section 6 certificates.	276
472	Mr. Rockhill to Mr. Root...	Dec. 6	Same subject. Refers to dispatch No. 454, of Nov. 20, and incloses copy of note from Prince of Ch'ing, stating that he had arranged that Chinese minister or chargé d'affaires in Japan and Chinese consul-general in Korea should issue certificates to Chinese of exempt class in their respective countries.	278
488	Same to same.....	Dec. 24	Reciprocal protection of trade-marks and copyrights in China. States that he has been informed by Spanish minister in China that he is unable to exchange assurances for reciprocal protection of trade-marks in China, owing to fact that Spanish consuls in China are not empowered to hear cases involving infringement of trade-marks.	248
		1907.		
497	Same to same.....	Jan. 4	Restrictions upon the importation, growth, and use of opium. Incloses copy of note from foreign office inclosing text of regulations issued by Chinese Government for gradual suppression of the opium habit and requesting cooperation of United States in foreign settlements, and by waiving most-favored-nation clause in regard to importation of morphine. Reports interview with T'ang Shao-i, of the Wai-wu Pu, to whom it was pointed out that isolated action of the United States could have but little practical value.	140
	Same to same (telegram)....	Jan. 7	Settlement of the Lienchou indemnity. Reports that Lienchou indemnity has been paid to consul-general at Canton.	211
499	Same to same.....	...do.....	Same subject. Refers to previous correspondence, and reports relative to payment of Lienchou massacre indemnity, and incloses copy of his telegram to consul-general at Canton on subject.	212

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
501	Same to same	Jan. 9	Foreign settlements in China and Manchuria. Refers to former correspondence, and incloses copy of instructions to consul-general at Mukden relative to selection of suitable localities to be set apart for international use and occupation at Mukden and Antung.	218
504	Same to same	Jan. 12	Customs and inland taxation. Incloses copies of correspondence with consul-general at Mukden relative to question of customs regulations and taxation of foreign merchandise at city of Mukden.	226
	Mr. Root to Mr. Rockhill (telegram).	Jan. 15	Settlement of the Lienchou indemnity. Informs him that settlement of Lienchou indemnity by an exchange of notes is approved.	214
	Mr. Rockhill to Mr. Root (telegram).	...do.....	Same subject. Says that Chinese Government prefers that Lienchou settlement be made by an exchange of notes; says that draft includes everything essential in draft of agreement, and advises that matter be concluded in this way.	214
84	Mr. Chentung to Mr. Root..	Jan. 21	Issuance and visé of section 6 certificates. Communicates the list of Chinese officials specially authorized by the Chinese Government to issue to Chinese of the exempt class coming to the United States from other countries than China section 6 certificates.	279
	Mr. Root to Mr. Rockhill....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
241	Same to same	Jan. 31	Issuance and visé of section 6 certificates. Acknowledges dispatch No. 472 of 8th ultimo concerning arrangement by Prince of Ch'ing for issuance of section 6 certificates in Japan and Korea, and incloses copy of note from Chinese minister in Washington giving list of Chinese officials specially authorized by Chinese Government to issue section 6 certificates to Chinese of exempt class.	279
88	Mr. Root to Mr. Chentung..	...do.....	Same subject. States that copy of his note of 21st instant has been sent to Department of Commerce and Labor.	280
247	Mr. Bacon to Mr. Rockhill..	Feb. 7	Foreign settlements in China and Manchuria. Acknowledges dispatch No. 482 of Dec. 18, with inclosure on subject of foreign settlements at open ports of China, and sets forth attitude of the United States relative thereto.	220
249	Same to same	Feb. 8	Customs and inland taxation. Incloses copy of instruction from Third Assistant Secretary of State to consul-general at Mukden relative to proposal of Chinese authorities to impose an inland tax upon American goods under guise of a consumption tax, and touching upon conditions of opening of Antung, Mukden, and Tatungkou.	231
536	Mr. Rockhill to Mr. Root....	Feb. 15	Settlement of the Lienchou indemnity. Refers to department's telegram of Jan. 16, and incloses copies of correspondence between legation and the foreign office relative to Lienchou matter.	215
537	Same to same	...do.....	Foreign settlements in China and Manchuria. Refers to dispatch No. 501 of Jan. 9, and incloses copies of correspondence between legation and foreign office relative to opening of Mukden and Antung to international trade.	221
253	Mr. Bacon to Mr. Rockhill...	Feb. 16	Settlement of the Lienchou indemnity. Acknowledges dispatch No. 499, of 7th ultimo, and informs him that department approves his course in Lienchou matter.	217
539	Mr. Rockhill to Mr. Root....	Feb. 18	Restrictions upon the importation, growth, and use of opium. Incloses proposals submitted by Chinese Government to British minister which are now under consideration by Government of Great Britain. Also incloses copy of letter signed by all British merchants asking to be advised as to view of their Government and copy of imperial edict commanding high provincial authorities to gradually prohibit cultivation of poppy.	146
545	Same to same	Feb. 22	Customs and inland taxation. Refers to dispatch No. 504, of Jan. 12, and incloses copy of a note from the foreign office and copy of the legation's reply thereto, relative to the question of customs regulations and taxation of foreign merchandise at city of Mukden.	231

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
256	Mr. Root to Mr. Rockhill....	Feb. 23	Restrictions upon the importation, growth, and use of opium. Acknowledges dispatch No. 497 and states that department approves his statement to Wai-wu Pu, that before asking United States to agree to immediate enforcement of provisions of treaty of Oct. 8, 1903, that China herself should do all she is required to do under Article XVI of treaty.	149
	Mr. Chentung to Mr. Root..	Feb. 25	Issuance and visé of section 6 certificates. Refers to his note of Jan. 21 giving list of Chinese officials specially designated by Chinese Government to issue section 6 certificates, and requests that necessary instructions be given to diplomatic and consular representatives of United States abroad to recognize and visé certificates properly issued by Chinese officials referred to.	280
	Same to same.....	...do.....	Protection of Chinese in Guatemala. Acknowledges note of 13th, and expresses appreciation of Mr. Combs' action in behalf of Chinese in Guatemala.	593
260	Mr. Bacon to Mr. Rockhill..	Mar. 8	Customs and inland taxation. Refers to dispatch No. 504, of Jan. 12, and informs him that his action in matter of customs regulations and taxation of foreign merchandise at Mukden is approved.	233
559	Mr. Rockhill to Mr. Root....	Mar. 15	Restrictions upon the importation, growth, and use of opium. Incloses copy of imperial edict, and states that so far as he can learn only province in which regulations are being enforced is Peking.	151
	Mr. Root to Mr. Rockhill (telegram).	Mar. 22	The Second Peace Conference. (See telegram of Mar. 22 from Mr. Root to Mr. Leishman.)	1114
567	Mr. Rockhill to Mr. Root...	Mar. 25	Reciprocal protection of trade-marks and copyrights in China. Refers to instruction No. 266 of Dec. 21, 1906, incloses copy of note to French minister in Peking on subject of protection of trade-marks in China, and sets forth the probable reasons for lack of interest in adoption and putting into force of regulations for protection of trade-marks in China.	249
	Mr. Root to Mr. Chentung..	Mar. 26	Issuance and visé of section 6 certificates. Acknowledges note of 25th ultimo, and informs him that list of Chinese officials designated to issue section 6 certificates has been forwarded to American diplomatic and consular officers for their information.	281
	Mr. Root to Mr. Rockhill (telegram).	Mar. 27	The Second Peace Conference. Advises him that Belgian assent is conditional on unanimity of Hague signatories, and as delay on part of China may cause embarrassment, directs him to request Chinese Government to cable assent to Russian Government and notify Government of the Netherlands that it has done so.	1115
270	Mr. Bacon to Mr. Rockhill..	Mar. 28	Restrictions upon the importation, growth, and use of opium. Acknowledges No. 539, incloses copy of instruction sent to our ambassador at Japan, and also an extract from telegram from embassy at London in relation to matter.	152
271	Same to same.....	...do....	Foreign settlements in China and Manchuria. Acknowledges dispatch No. 537, of 15th ultimo, and informs him that his notes to foreign office relative to opening of Antung and Mukden to international trade are approved.	224
	Mr. Rockhill to Mr. Root (telegram).	Mar. 29	The Second Peace Conference. Reports the assent of China, and says telegraphic instructions will be sent as suggested by department in its telegram of Mar. 27.	1116
593	Same to same.....	Apr. 24	Governmental and educational reforms in China. Incloses copy of imperial edict issued on 20th instant relative to present administration of three Manchurian provinces.	178
281	Mr. Root to Mr. Rockhill...	Apr. 29	Customs and inland taxation. Refers to dispatch No. 545, of Feb. 22, informs him that department approves his views as expressed in his note to Wai wu Pu relative to question of customs and regulations and taxation of foreign merchandise at city of Mukden.	234
286	Same to same.....	May 2	Reciprocal protection of trade-marks and copyrights in China. Refers to dispatch No. 488, of Dec. 24, and incloses copy of correspondence between the department and the legation in Spain relative to reciprocal protection of American and Spanish trade-marks in China.	252
610	Mr. Rockhill to Mr. Root ...	May 13	Regulations restricting the importation of arms and ammunition. Incloses copy of a note from the foreign office relative to importation into China of arms and ammunition, together with copy of regulations governing same.	198

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
619	Same to same.....	May 17	Restrictions upon the importation, growth, and use of opium. Reports that Emperor has issued court order to all officials impressing upon them imperative necessity of carrying out imperial commands.	158
621	Same to same.....	...do.....	The open-door policy in Manchuria—establishment of custom-houses and opening of ports to international trade. Discusses the delay on part of Japan and Russia in perfecting arrangement for opening of custom-houses. Incloses extract from letter from consul-general at Mukden. Confirms his cablegram of May 16. States that Russians appear to evince but little interest in the matter and to be willing to let Japan reap every commercial advantage in Manchuria. Says that they have taken the position, which the diplomatic corps considers justified, that goods imported over Russian frontier should not be subjected to any other tax; that Japanese are constantly raising unimportant questions. Adds that British minister has already called his Government's attention to situation.	130
D72	Mr. Straight to Mr. Bacon..	May 21	Customs and inland taxation. Refers to his telegram of the 20th instant, incloses copy of his dispatch and inclosures to legation at Peking relative to question of customs regulations and taxation of foreign merchandise at city of Mukden.	
299	Mr. Bacon to Mr. Rockhill.	May 31	Stamping deeds for property purchased for missionary purposes. Incloses copy of dispatch from consul-general at Tientsin relative to stamping of deeds for property purchased by missionaries so as to prevent them from reselling such lands and houses, and asks an expression of his views in matter.	206
631	Mr. Rockhill to Mr. Root...	June 3	Reciprocal protection of trade-marks and copyrights in China. Refers to instruction of Jan. 30, incloses copy of his note to foreign office and copy of reply thereto in which Prince of Ch'ing refuses to discuss question of revision of Article XI of treaty of Oct. 8, 1903.	252
633	Same to same.....	June 4	The open-door policy in Manchuria—establishment of custom-houses and opening ports of international trade. Confirms telegram of this date, incloses text of customs agreement between China and Japan.	132
636	Same to same.....	June 7	Regulations restricting the importation of arms and ammunition. Incloses copy of note from foreign office and copy of reply thereto relative to alleged illegal importations of arms by foreign merchants.	201
304	Mr. Root to Mr. Rockhill...	June 10	Customs and inland taxation. Incloses copy of instruction to consul-general at Mukden relative to customs regulations and taxation in that city, and informs him that while department has been in direct correspondence with Mukden consulate relative to matter, it looks to legation for its understanding of subject and for material on which to frame its views.	239
310	Same to same.....	June 13	Reciprocal protection of trade-marks and copyrights in China. Refers to dispatch No. 567 of Mar. 25, and incloses copy of letter to Secretary of the Interior relative to trade-mark regulations prepared by Chinese authorities.	254
642	Mr. Rockhill to Mr. Root...	June 14	Same subject. Refers to instruction No. 286 of May 2, and reports that he has again brought matter of arrangement for reciprocal protection of trade-marks in China, by an exchange of notes, to attention of Spanish minister in Peking, and incloses copy of his reply. Incloses also copy of note from Austro-Hungarian minister on same subject.	255
	Mr. Root to Mr. Chentung.	June 15	Payment of the Chinese indemnity—return by the United States of a portion of its allotment. Informs him of intention of Government of the United States to voluntarily release China from its legal liability for all payments in excess of sum which would prove to be necessary for actual indemnity to the United States and its citizens.	174
	Mr. Chentung to Mr. Root.	June 17	Same subject. Acknowledges note of 15th instant, and expresses thanks of his Government for act of generosity shown by the United States toward China.	175
	Mr. Rockhill to Mr. Root (telegram).	June 19	The open-door policy in Manchuria—establishment of custom-houses and opening ports of international trade. States that he has been officially informed by the foreign office that custom-houses will open July 1 at Tairen and Antung with branch at Tatunkou.	136

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Root to Mr. Rockhill (telegram).	June 19	Restrictions on importation, growth, and use of opium. States that department desires to know definitely whether Government of China will join the Governments of the United States, France, Germany, Great Britain, Holland, and Japan in appointing commissioners cooperatively to investigate question of opium, including both importation and production there. Adds that France has not yet accepted.	158
650	Mr. Rockhill to Mr. Root....	June 25	Settlement of Lienchou indemnity. Incloses copy of dispatch from consul-general at Canton relative to execution of murderer of Mrs. Edward C. Machle, one of the Lienchou massacre victims.	218
651	Same to same.....	...do....	The open-door policy in Manchuria—establishment of custom-houses and opening ports of international trade. Refers to his telegram of 19th instant and incloses copy of note from foreign office announcing opening of custom-houses at Dalny (Tairen), Antung-hsien and Tatungkou.	136
656	Same to same.....	June 29	Restrictions upon the importation, growth, and use, of opium. Refers to department's cable of June 21 regarding proposed opium joint commission, and states that he has called on Na Chung-t'ang and explained purpose of the United States relative to this matter, and strongly urged prompt acceptance by China of proposed opium joint commission; also incloses copy of his letter June 22, 1907, to Prince of Ch'ing.	159
658	Same to same.....	...do....	Same subject. Incloses copy of imperial edict and states that all opium dens in Peking, Tientsin, Shanghai, Foochow, and many other places have been closed, but that China has failed to carry out treaty of 1903 with the United States.	160
659	Same to same.....	...do....	Reciprocal protection of trade-marks and copyrights in China. Refers to instruction No. 291 of May 10, and says that notwithstanding fact that Chinese Government has declined to discuss question of revision of Article XI of treaty of Oct. 8, 1903, until expiration of the ten years, as fixed by treaty, it may be possible to reopen case at a later date with Wai-wu-Pu with some chance of success.	256
660	Same to same.....	...do....	The open-door policy in Manchuria—Establishment of custom-houses and opening ports to international trade. Incloses copy of note from foreign office concerning opening of certain cities to international trade.	137
323	Mr. Bacon to Mr. Rockhill...	July 2	Regulations restricting the importation of arms and ammunition. Acknowledges dispatch No. 610, of May 13, and incloses copy of correspondence with Treasury Department regarding exportation of firearms from the United States to China.	202
324	Same to same.....	...do....	Payment of the Chinese indemnity—Return by the United States of a portion of its allotment. Refers to instruction No. 317, of June 18, and incloses copy of telegram from Wai wu Pu to Chinese minister relative to the purpose of the President of the United States to ask Congress for authority to reform agreement with China respecting the indemnity.	175
663	Mr. Rockhill to Mr. Root....	July 9	Reservation of American rights in the extension of the Japanese concession at Hankau. Incloses copies of correspondence between legation and consul-general at Hankau relative to reservation of American rights in extension of Japanese concession at Hankau.	224
664	Same to same.....	July 10	Restrictions upon the importation, growth, and use of opium. Confirms telegram of even date relating to opium commission and incloses note from foreign office on the subject.	162
	Same to same (telegram)....	...do....	Same subject. States that he submitted department's telegram to foreign office on the 21st, and supported it by note based on Mr. Root's dispatch No. 270. Also states that after several interviews urging their acceptance he received note from minister for foreign affairs stating that Chinese Government is not aware of methods to be followed in making investigation, and therefore have no definite proposition they can consider or to which they can reply.	162
666	Same to same.....	...do....	Customs and inland taxation. Incloses copy of note from foreign office relative to establishment of customs stations by China at 2 points where Eastern Chinese Railway crosses the frontier.	240

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Bacon to Mr. Rockhill (telegram).	July 11	Restrictions upon the importation, growth, and use of opium. Directs him to endeavor to procure China's agreement in principle to joint commission.	163
669	Mr. Rockhill to Mr. Root....	July 18	Stamping of deeds for property purchased for missionary purposes. Acknowledges instruction No. 299, of May 31; gives probable reasons for order of Wai wu Pu relative to stamping of deeds for real estate purchased by missionaries; incloses copy of dispatch from consul-general at Hankau and copies of correspondence between the legation and Mr. Seabury, of Yale Mission, at Changsha, on the subject.	207
670	Same to same.....	...do....	Governmental and educational reforms in China. Refers to dispatch No. 593, of Apr. 24 last, and incloses copies of 2 imperial edicts relative to certain administrative reforms in the provinces of Manchuria.	179
	Same to same (telegram)....	July 24	Restrictions upon the importation, growth, and use of opium. Reports that China accepts in principle joint commission, with understanding that each Government make investigation in its own territory on lines agreed upon by whole commission.	164
673	Same to same.....	...do....	Customs and inland taxation. Refers to his telegram of July 8 and his dispatch No. 666, of 10th instant, relative to conclusion of arrangement between Chinese Government and Russian minister for opening of custom-houses on frontier of northern Manchuria.	241
674	Same to same.....	...do....	Governmental and educational reforms in China. Refers to dispatch No. 670, of 18th instant, and incloses copy of memorial on reorganization of provincial government of China, together with copy of regulations.	180
675	Same to same.....	July 25	Restrictions upon the importation, growth, and use of opium. Reports more fully on subject-matter of his telegram of 24th and incloses correspondence with foreign office.	164
31	Mr. Root to Mr. Straight....	July 26	Customs and inland taxation. Acknowledges his No. 72, of May 21, and commends him for ability he has thus far shown in question of exemption of foreign goods from inland taxation within open cities.	242
339	Mr. Adee to Mr. Rockhill...	Aug. 2	Reciprocal protection of trade-marks and copyrights in China. Acknowledges dispatch No. 631, of June 3, and 659, of June 29, and expresses surprise at blunt reply of Chinese Government concerning negotiations for proper copyright agreement. Expresses hope that at later date conditions will be more favorable.	257
690	Mr. Rockhill to Mr. Root...	Aug. 9	Governmental and educational reforms in China. Incloses synopsis of regulations recently promulgated for municipal self-government of Tientsin.	189
343	Mr. Adee to Mr. Rockhill...	Aug. 13	Reciprocal protection of trade-marks and copyrights in China. Acknowledges dispatch No. 642, of June 14, and informs him that copy of his dispatch has been forwarded to American minister at Madrid, with an expression of hope that Spanish minister at Peking will receive instructions to effect agreement for protection of United States and Spanish trade-marks in China.	258
697	Mr. Rockhill to Mr. Root...	Aug. 15	Governmental and educational reforms in China. Incloses copy of an imperial decree published on 2d instant for encouragement of trade and industries, and copy of decree of Aug. 13.	190
	Same to same (telegram)....	Aug. 22	Treaty between Japan and France relating to the Far East. States that China has made formal protest to France and Japan against clause in recent agreement between them which provides for mutual support in maintenance of peace and order in parts of China adjacent to their territories, and says that China states that matter pertains to her alone. Adds that protest has not been replied to.	757
707	Same to same.....	...do.....	Same subject. Reports more in detail on subject of his telegram of this date.	758
708	Same to same.....	Aug. 28	Same subject. Refers to his No. 707, and states that China has received note from French Government explaining most fully and satisfactorily agreement, and stating that nothing in it was to be understood as derogatory to majesty of China or infringing its sovereign right. States that as Japanese chargé called at Wai-wu Pu at same time as French chargé it is presumed that assurances were given by him, but minister of the Wai-wu Pu made no mention of it.	758

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
349	Mr. Adee to Mr. Rockhill....	Aug. 28	Reservation of American rights in the extension of the Japanese concession at Hankow. Acknowledges dispatch No. 663, of 9th ultimo, and informs him that department approves his instruction to consul-general at Hankow relative to reservation of American rights in extension of Japanese concession at Hankow.	225
710	Mr. Rockhill to Mr. Root...	Aug. 30	Reciprocal protection of trade-marks and copyrights in China. Incloses newspaper clippings stating that proclamation has been issued by Shanghai taotai for protection of British trade-marks from infringement in his district, and copy of his instruction to American consul-general at Shanghai suggesting that he endeavor to secure similar protection for American trade-marks in that district.	259
714	Same to same.....	Sept. 4	Stamping of deeds for property purchased for missionary purposes. Refers to instruction No. 299, of May 31, and his reply thereto, and incloses copy of note from foreign office agreeing to stamp deeds for property purchased by missionaries in manner suggested by the legation.	210
350	Mr. Adee to Mr. Rockhill...	Sept. 10	Same subject. Acknowledges dispatch No. 669, of July 18, informs him that department joins in views suggested by legation relative to stamping of deeds of conveyance of land purchased in China, and approves his letter to Mr. Seabury of Yale Mission at Changsha on the subject.	210
30	Mr. Denby to Mr. Bacon....	Sept. 25	Reciprocal protection of trade-marks and copyrights in China. Incloses copy of proclamation by taotai of Shanghai for protection of American trade-marks in that district.	262
742	Mr. Rockhill to Mr. Root....	Sept. 28	Governmental and educational reforms in China. Incloses copy of decree of the 20th of September looking to establishment of what is considered constituent or constitutional assembly.	191
745	Same to same.....	...do.....	Same subject. Gives principal points of memorial recently published by viceroy of Manchu relative to reconciliation of Manchu and Chinese elements of population, incloses copy of edict of Aug. 10, and gives synopsis of edict of Sept. 27.	192
750	Mr. Fletcher to Mr. Root....	Oct. 4	Same subject. Refers to dispatch No. 742 of Sept. 28, and incloses copies of two memorials of Sept. 30 dealing with subject of representative government.	195
751	Same to same.....	...do....	Protection of foreign missions in China. Incloses copy of edict on subject of protection of missions in China.	176
37	Mr. Denby to Mr. Wilson...	Oct. 7	Reciprocal protection of trade-marks and copyrights in China. Refers to dispatch No. 30, of Sept. 25, and incloses copy of a dispatch from the chargé d'affaires at Peking calling attention to the character of the proclamation issued by the taotai of Shanghai for the protection of American trade-marks, and copy of his reply thereto explaining why certain reference to Standard Oil Company's trade-marks in particular was dwelt upon.	263
353	Mr. Bacon to Mr. Fletcher..	Oct. 8	Same subject. Refers to department's No. 343 of Aug. 13, and incloses copy of note from Spanish foreign office on subject of jurisdiction of Spanish consular courts in China.	264
758	Mr. Fletcher to Mr. Root....	Oct. 12	Governmental and educational reforms in China. Refers to dispatch No. 745, of Sept. 28, and incloses copy of edict of Sept. 9 on subject of abolition of race distinctions as between Manchus and Chinese.	196
354	Mr. Bacon to Mr. Rockhill..	Oct. 14	Restrictions upon the importation, growth, and use of opium. See instruction No. 134, of Oct. 14, 1907, from Mr. Bacon to Mr. Hill.	169
759	Mr. Fletcher to Mr. Root....	...do....	Customs and inland taxation. Incloses copies of correspondence relative to matter of preferential treatment accorded by customs regulations, in violation of treaty stipulations, to trade from Hongkong and Macao to open ports and ports of call on West River, as against trade from Canton.	242
765	Same to same.....	Oct. 22	Governmental and educational reforms in China. Refers to dispatch No. 750 of the 4th instant, and incloses copy of edict of 19th instant, ordering viceroys and governors to establish deliberative assemblies in their respective provinces.	197
769	Same to same.....	...do....	Reciprocal protection of trade-marks and copyrights in China. Refers to dispatch No. 642 of June 14, relative to reciprocal protection of trade-marks in China, and incloses copy of note from Spanish minister at Peking on subject.	264

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
355	Mr. Bacon to Mr. Fletcher..	Oct. 23	Stamping of deeds for property purchased for missionary purposes. Acknowledges dispatch No. 714, of the 4th ultimo, relative to stamping of deeds for property purchased for missionary purposes in China, and expresses satisfaction that Chinese Government has agreed to stamp deeds in manner suggested by legation.	211
359	Mr. Root to Mr. Fletcher....	Oct. 25	Reciprocal protection of trade-marks and copyrights in China. Acknowledges dispatch No. 710, of Aug. 30, and informs him that his instruction to consul-general at Shanghai relative to issuance of proclamation for protection of American trade-marks is approved.	265
29	Mr. Wilson to Mr. Denby...	Oct. 30	Same subject. Acknowledges dispatch No. 30, of 25th ultimo, and states that, in opinion of department, it would be well to invite attention of taotai of Shanghai to last paragraph of proclamation for protection of American trade-marks, which forbids only imitation of Standard Oil Company's goods.	265
771	Mr. Fletcher to Mr. Root....	Oct. 31	Protection of foreign missions in China. Incloses copy of memorials and copy of joint note to foreign office asking for complete religious liberty for missions in China.	177
777	Same to same.....	Nov. 2	Regulations restricting the importation of arms and ammunition. Forwards copy of note from foreign office, inclosing copy of regulations governing importation of arms and ammunition into China. Says regulations were objectionable to foreign representatives, and incloses copy of note addressed to foreign office by diplomatic body relative thereto. Sets forth the reasons why regulations are objectionable to him.	203
778	Same to same.....	...do.....	The open-door policy in Manchuria—establishment of custom-houses and opening ports to international trade. Reports that settlement of northern Manchurian customs question has been reached by Russian minister and the Waiwu Pu, in accordance with which goods upon entering Railway Zone will pay two-thirds of regular import duty, this arrangement to be in force for one year.	137
33	Mr. Root to Mr. Denby.....	Nov. 23	Reciprocal protection of trade-marks and copyrights in China. Acknowledges dispatch No. 37, of the 7th ultimo, inclosing copies of correspondence with Legation at Peking relative to proclamation issued by taotai of Shanghai for protection of American trade-marks, and informs him that department shares views of legation relative thereto.	266
785	Mr. Fletcher to Mr. Root....	Nov. 28	Restrictions upon the importation, growth, and use of opium. Incloses copy of regulations issued with reference to use of opium by officials of Province of Chihli.	171
794	Same to same.....	Nov. 27	The open-door policy in Manchuria—establishment of custom-houses and opening ports to international trade. Incloses official text of recent Russo-Chinese agreement relating to establishment of custom-houses in northern Manchuria.	138
795	Same to same.....	Dec. 14	Restrictions upon the importation, growth, and use of opium. Acknowledges instruction No. 354, of Oct. 14, and incloses copy of note from foreign office relative to meeting of opium conference.	172
380	Mr. Root to Mr. Fletcher....	Dec. 16	Customs and inland taxation. Acknowledges dispatch No. 759, of Oct. 14, and says the department is glad to learn that under present arrangement, as set forth in note of Prince of Ch'ing dated Oct. 8, American trade at Canton will henceforth be able to compete on footing of equality with trade of Hongkong and Macao.	248
382	Same to same.....	Dec. 18	Regulations restricting the importation of arms and ammunition. Acknowledges dispatch No. 777, of the 2d ultimo. Approves his action in joining in the protest of foreign powers concerning regulations governing importation of firearms. Expresses hope, however, that foreign representatives at Peking will not convey impression that their Governments are lacking in sympathy with Chinese Government in its endeavor to prevent firearms from reaching undesirable persons.	205
799	Mr. Fletcher to Mr. Root....	Dec. 26	Governmental and educational reforms in China. Reports that Chi-i-soa ("deliberative assembly") held its first meeting on the 8th instant, and gives the subjects discussed at said meeting.	198

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CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
100	Mr. Root to Mr. Chow.....	Dec. 26	Protection of Chinese in Guatemala. Forwards petition from Chinese in Guatemala, re exclusion laws there, transmitted through legation in Guatemala City.	594
387	Mr. Bacon to Mr. Fletcher...	Dec. 31	The open-door policy in Manchuria—establishment of custom-houses and opening ports to international trade. Acknowledges No. 778, reporting that settlement of northern Manchurian customs question has been reached by Russian minister and the Wai-wu Pu.	140

COLOMBIA.

		1906.		
139	Mr. Heimke to Mr. Root....	Dec. 29	Claim of Ricardo A. Deeb *v.* Colombia. Reports on claim of Mr. Ricardo A. Deeb, an American citizen, against Colombian Government, and incloses copy of correspondence between legation and the foreign office relative thereto.	287
		1907.		
50	Mr. Bacon to Mr. Heimke...	Feb. 12	Same subject. Acknowledges receipt of dispatch No. 139, of Dec. 29, 1906, and informs him that the department approves his action.	290
	Mr. Bacon to Mr. Cortes.....	Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
102	Mr. Cortes to Mr. Root.....	Mar. 14	Same subject. Acknowledges note of 5th instant, and says Colombia has accepted invitation to take part in Second Conference, and adheres to second and third conventions agreed upon at First Conference.	1125
173	Mr. Heimke to Mr. Root....	Apr. 9	Message of the President of Colombia to the Colombian Congress. Transmits copy of message of President of the Republic of Colombia addressed to National Constituent and Legislative Assembly and reports made to that body by ministers of the cabinet.	282
183	Same to same.....	Apr. 22	Provision for assembling of the Constitutional Congress. Incloses copy of decree of Apr. 15, making provision for assembling of next Constitutional Congress.	294
226	Same to same.....	Sept. 2	Claim of Ricardo A. Deeb *v.* Colombia. Refers to dispatch No. 139, of Dec. 29, 1906, relative to claim of Ricardo A. Deeb, reports that Government of Colombia has issued resolution allowing claim of Mr. Deeb in sum of $25,069, and incloses extract of judicial decision in claim.	290
9	Mr. Dawson to Mr. Root....	Oct. 31	Denunciation of the modus vivendi concerning the boundary between Colombia and Peru. Reports that instructions were sent to Colombia chargé d'affaires at Lima to notify Peruvian Government of Colombia's denunciation of modus vivendi concerning boundary between two countries.	292
14	Same to same.....	Nov. 8	Claim of the Chilean steamer *Lautaro*, destroyed while in the service of the Department of Panama, *v.* Colombia. Incloses copy of protocol between minister for foreign affairs and Chilean chargé, which settles claim arising out of the destruction of the steamer *Lautaro*, under Chilean flag, while in service of Department of Panama.	293
31	Same to same.....	Dec. 31	Boundary and navigation treaty between Colombia and Brazil. Reports that Brazilian Senate voted on 29th to approve boundary and navigation treaty between Colombia and Brazil.	292

CUBA.

		1906		
279	Mr. Morgan to Mr. Root.....	Nov. 26	Provision for the settlement of claims growing out of the late Cuban insurrection. Incloses extract from Official Gazette of 23d, containing decree of provisional governor relative to collection of evidence and settlement of claims against Government of Cuba arising out of recent insurrection.	298
		1907		
	Mr. Bacon to Mr. Quesada...	Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113

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CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
143	Mr. Bacon to Mr. Morgan....	July 18	Cuban bonds of June 1, 1869. Incloses copy of a Cuban bond, and instructs him to ascertain and report to the department as to its value.	296
486	Mr. Morgan to Mr. Root.....	July 29	Same subject. Refers to instruction No. 143, of 18th instant, and incloses copy of note from foreign office relative to value of a Cuban bond.	296
508	Same to same.....	Aug. 30	Sanitation of Cuban cities. Incloses portion of Official Gazette of the 27th, containing a decree issued by provisional governor relative to national sanitation.	301
151	Mr. Bacon to Mr. Morgan...	Oct. 23	Cuban bonds of June 1, 1869. Instructs him to report as to value of certificates issued by Cuban Government June 1, 1869.	297
549	Mr. Turner to Mr. Root.....	Oct. 29	Same subject. Refers to instruction No. 151, of 23d instant, and reports on status of certificates issued by Republic of Cuba under date of June 1, 1869.	298

DENMARK.

		1907.		
	Mr. Root to Mr. Egan.....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
	Mr. Brun to Mr. Root.....	Feb. 25	Administration of estates of Danish subjects deceased in the United States. Says he is instructed by his Government to inquire whether Government of the United States would be willing to enter upon negotiations for convention by which consuls, vice-consuls, or consular agents of Denmark in the United States would be authorized to administer estates of Danish subjects deceased in the United States.	303
	Same to same.....	Mar. 19	Reciprocal protection of trade-marks and copyrights in China. Asks whether the United States Government would be willing to conclude an arrangement with Government of Denmark for reciprocal protection in China of trade-marks of citizens of two countries.	266
671	Mr. Root to Mr. Brun.....	Mar. 25	Same subject. Acknowledges note of 19th instant, and informs him that Government of the United States is willing to conclude an arrangement with that of Denmark for reciprocal protection in China of trade-marks of citizens of either country.	266
678	Same to same.....	May 2	Administration of estates of Danish subjects deceased in the United States. Acknowledges note of Feb. 25 relative to negotiations for convention by which diplomatic and consular representatives of Denmark in the United States may be authorized to administer estates of Danish subjects deceased in the United States, and says that this Government has entered into no treaty with any foreign country granting rights in question, and that it is not considered desirable to establish a precedent in this regard.	304
680	Mr. Root to Mr. Clan.....	May 6	Restrictions upon the importation, growth, and use of opium. Acknowledges Mr. Brun's note of the 26th instant, in which he inquires whether the United States Government prohibits export of opium, morphine, and hypodermic syringes to China, and if so, in what manner. In reply he states that United States Government simply consents to prohibition by Chinese Government of importation into China of morphia and instruments for its injection.	157
165	Mr. O'Brien to Mr. Root....	May 23	Regulations concerning commercial travelers. Acknowledges circular instruction of Apr. 12, and incloses copy of an extract from an edict of June, 1839, relative to regulations in force in Denmark concerning treatment of commerical travelers and admission of samples.	302
	Mr. Clan to Mr. Root.....	May 27	Reciprocal protection of trade-marks and copyrights in China. Refers to note No. 671, of Mar. 25, and says that necessary instructions have been sent to Danish consul at Shanghai authorizing him to protect American trade-marks, duly deposited in Denmark, against violation by Danish subjects in China, and expresses hope that necessary instructions will be given for protection of Danish trade-marks.	267

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DENMARK—Continued.

No.	From and to whom.	Date.	Subject.	Page.
694	Mr. Root to Mr. Clan.....	1907. June 12	Same subject. Acknowledges note of the 27th ultimo, and informs him that instructions have been sent to the United States minister at Peking to inform consular officers of the United States in China that hereafter trade-marks of Danish subjects which have been duly registered in the United States are to be protected against infringement by such persons as come under jurisdiction of the United States consular courts in China.	268

DOMINICAN REPUBLIC.

	Mr. Bacon to Mr. Joubert....	1907. Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
	.....	Mar. 31	Review of the transactions of the customs receivership of Santo Domingo during the second year of its operation, Apr. 1, 1906, to Mar. 31, 1907, with collateral exhibits and remarks.	
6	Mr. McCreery to Mr. Root ..	May 18	Financial affairs in the Dominican Republic. Incloses copy of act of National Congress signed by the President on May 14, declaring a loan of $20,000,000 for the amortization of the debt of Republic and redemption of certain concessions for public good.	306
	Mr. Joubert to Mr. Root.....	May 24	Convention between the United States of America and the Dominican Republic providing for assistance of the United States in collection and application of customs revenues of the Dominican Republic, the enabling act, and other correspondence relative to the interpretation and enforcement of the treaty. Incloses copy of resolution adopted by the Dominican Congress on the 3d instant, approving the Dominico-American convention signed on Feb. 8, and copy of communication addressed to minister of foreign relations relative thereto.	310
	Mr. Root to Mr. Joubert.....	...do	Same subject. Acknowledges note transmitting copy of resolution of the Dominican Congress approving pending convention between the United States and the Dominican Republic, together with copy of letter from minister of the interior to minister of foreign relations on the subject.	312
17	Mr. McCreery to Mr. Root ..	June 19	Same subject. Refers to dispatch No. 15 of June 11, and incloses extract from Gaceta Oficial relative to approval of Dominican Congress of Dominican-American convention of Feb. 8.	313
21	Same to same.....	July 8	Same subject. Confirms his telegram of July 7, and incloses extract from the Gaceta Oficial of June 29 relative to payment of Dominican customs duties to general receiver.	314
	Proclamation by the President.	July 25	Same subject. Text	307
25	Mr. McCreery to Mr. Root..	...do	Same subject. Incloses extract from Gaceta Oficial of July 24, containing ratification of Dominican-American convention by Dominican President and protocol of exchange.	316
27	Same to same.....	July 31	Dominican trade-mark law. Incloses copy of trade-mark law passed by Dominican Congress, and states that it would be great convenience to legation and consulate-general in Santo Domingo to have law in printed form for distribution to American inquirers.	379
	Mr. Bacon to Mr. McCreery.	Aug. 8	Convention between the United States of America and the Dominican Republic providing for assistance of United States in collection and application of customs revenues of the Dominican Republic, and enabling act, and other correspondence relative to the interpretation and enforcement of the treaty. Confirms department's telegram of Aug. 8, and incloses copy of regulations promulgated by President for the government of the customs receivership under the convention, and directs him to call the attention of the Dominican Government to item 2 of said regulations.	317
33	Mr. McCreery to Mr. Root...	Aug. 21	Political affairs in the Dominican Republic. Incloses copy of reply of president of the Dominican Congress to message of the President of the Dominican Republic.	360

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DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same	1907. Aug. 28	Convention between the United States of America and the Dominican Republic providing for assistance of the United States in collection and application of the customs revenues of the Dominican Republic, the enabling act, and other correspondence relative to the interpretation and enforcement of the treaty. Acknowledges instruction of Aug. 8, and incloses copy of his note to foreign office transmitting copy of regulations promulgated by the President of the United States for the government of the customs receivership, and copy of reply of the minister for foreign affairs thereto, together with copy of notice of regulations published in the Gaceta Oficial of Aug. 28.	319
43	Same to same	Sept. 19	Same subject. Confirms telegram of Sept. 12, and incloses copy of act of the Dominican Congress authorizing executive power to issue and sell bonds to amount of $20,000,000.	320
		Sept. 23	Final report of transactions of the Dominican customs receivership under the modus vivendi, covering the twenty-eight months, Apr. 1, 1905, to July 31, 1907. Text.	322
46	Mr. McCreery to Mr. Root	Oct. 5	Constituent convention of 1907 and constitution promulgated on Sept. 9, 1907. Reports that constituent convention was called by Congress to amend political constitution of the Dominican Republic in its articles 6 to 104, inclusive, and 107 to last article, and incloses copies of decree declaring necessity for amending constitution and decree convoking convention.	361
61	Same to same	Nov. 23	Same subject. Refers to dispatch No. 46, of Oct. 5, and incloses copy of constitution of the Dominican Republic promulgated on Sept. 9, 1907.	363

ECUADOR.

	Mr. Lee to Mr. Root (telegram).	1907. Jan. 4	Election of Gen. Eloy Alfaro as President of Ecuador. Reports election of Gen. Eloy Alfaro as President of Ecuador.	383
	Mr. Root to Mr. Fox (telegram).	...do	Same subject. Instructs him to convey congratulations of the President of the United States to the President of Ecuador.	383
	Mr. Carbo to Mr. Root	...do.....	Same subject. Informs the department that inauguration of Gen. Don Eloy Alfaro as constitutional President of the Republic of Ecuador took place on Jan. 1.	383
20	Mr. Bacon to Mr. Carbo	Jan. 10	Same subject. Acknowledges note of Jan. 4, and expresses appreciation of assurance of the President of Ecuador of intention of Government to continue to cultivate cordial relations now existing between the two countries.	284
62	Mr. Lee to Mr. Root	...do.....	Same subject. Confirms his telegram of Jan. 3, acknowledges department's of Jan. 4, and states that the President of Ecuador was gratified and pleased to receive good wishes and congratulations of the President of the United States.	384
	Mr. Bacon to Mr. Carbo	Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
	Mr. Carbo to Mr. Root	Mar. 9	Election of Gen. Eloy Alfaro as President of Ecuador. Incloses copy of note from minister of foreign relations of Ecuador expressing appreciation of the President of Ecuador for good wishes of the President of the United States.	384
	Mr. Fox to Mr. Root (telegram).	May 6	The Second Peace Conference. Reports that Ecuador will be represented at the Second Peace Conference by the Ecuadorean minister to France.	1128
	Same to same (telegram)	June 13	Arbitration of the difficulty between the Ecuadorean Government and the Guayaquil and Quito Railway Company, an American corporation. Refers to former correspondence, says that revolution is imminent owing to the railway problem, that American investments are reported as in danger, and asks instructions.	385

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ECUADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Root to Mr. Fox (telegram).	June 15	Same subject. Refers to former correspondence on subject, and instructs him to say to Ecuadorean minister for foreign affairs that this Government regrets injury done to credit and good name of Ecuador by contemplated confiscation of Guayaquil and Ecuador Railway, to lodge a formal protest with the Government of Ecuador against proposed spoliation of property and rights of American citizens, and to give formal notice that the President of the United States is ready to name an arbiter for settlement of all controversies arising between the contracting parties.	385
51	Mr. Fox to Mr. Root.....	June 18	Same subject. Confirms legation telegram of 13th, acknowledges department's of the 15th, incloses copy of his note to minister for foreign affairs relative to contemplated confiscation of the Guayaquil and Ecuadorean Railway by the Government of Ecuador, and copy of reply thereto.	386
	Same subject (telegram).....	June 19	Same subject. Says the President of Ecuador will name arbiter in railway question, and that the Government of Ecuador expresses hope that the President of the United States will do likewise.	388
	Same to same (telegram)....	June 22	Same subject. Reports appointment of the Ecuadorean arbiter in the railway question, and awaits designation by President of the United States.	388
	Same to same (telegram)....	June 29	Same subject. Reports appointment of Cesar Borja as arbiter in railway question, to take place of Aguirre, who declined to serve. Says situation is improved as result of action of department, and adds that minister for foreign affairs of Ecuador has expressed a wish that the United States name an arbiter.	389
	Mr. Bacon to Mr. Fox (telegram).	July 2	Same subject. Informs him that the President will name an arbiter in Guayaquil and Quito Railway Company case at an early date.	389
	Same to same (telegram)....	July 11	Same subject. Informs him that he has been designated by the President as arbitrator in Guayaquil and Quito Railway case.	389
	Mr. Fox to Mr. Root (telegram).	July 13	Same subject. States that the Government and people of Ecuador are well satisfied at action of the President in naming him as arbiter in Guayaquil and Quito Railway case, and that newspaper comments are friendly.	389
121	Same subject	Oct. 7	Same subject. Reports meeting on Oct. 5 of arbitrators in Guayaquil and Quito Railway controversy, incloses copy of communication to Secretary of State signed by arbitrator of Ecuador and himself, and says similar communication was addressed to minister for foreign relations of Ecuador.	390

EGYPT.

		1906.		
	Mr. Iddings to Mr. Root (telegram).	Nov. 26	Jurisdiction over offense of criminal libel committed by an American citizen in Egypt. States that one Nelken Waldberg, naturalized citizen of the United States, District of Columbia, April, 1888, publishes daily newspaper in Cairo, in which he attacks citizens and members of diplomatic corps; strong proof of blackmail is furnished, and it is desired by certain persons to expel Waldberg, who says he will apply for passport. Requests instructions.	1076
	Mr. Adee to Mr. Iddings (telegram).	Dec. 1	Same subject. States that no ground is disclosed for refusing passport to Waldberg, and that American diplomatic and consular officers exercising extraterritorial jurisdiction have no authority to expel or deport, nor can department confer such authority. Says that officers have jurisdiction to arrest and try American citizens for offenses of criminal libel, according to common law. Directs him to consult American judge, mixed tribunals.	1076
147	Mr. Iddings to Mr. Bacon...	Dec. 16	Same subject Confirms telegrams and incloses correspondence with Egyptian government.	1076
148	Same to same.....	Dec. 17	Same subject. Refers further to Waldberg's application for passport and his refusal to issue one.	1077

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EGYPT—Continued.

No.	From and to whom.	Date.	Subject.	Page.
67	Mr. Wilson to Mr. Iddings..	1907 Jan. 30	Same subject. Incloses memorandum prepared in office of solicitor bearing upon certain phases of American extraterritorial jurisdiction in China; also memorandum dealing with jurisdiction over offense of criminal libel committed by an American citizen in Egypt.	1078
68	Same to same.....	Jan. 31	Same subject. Acknowledges No. 148, approves action, and states that conduct and character of an American citizen may under certain circumstances influence department as regards discretionary act of granting a passport, but such considerations can not affect his status as an American citizen.	1081
			FRANCE.	
	Mr. Jusserand to Mr. Root..	1906. May 18	Claim of Messrs. Laurent & Lambert *v.* the United States for losses sustained during the Spanish-American war. Acknowledges note of May 25, 1905, and incloses copies of documents relative to claim of Messrs. Laurent & Lambert for losses sustained by them through acts of the Federal troops during the Spanish-American war.	392
219	Mr. Root to Mr. McCormick.	Nov. 13	Accidental killing of Lieut. Clarence England, U. S. Navy, by stray bullets from a French warship engaged in rifle practice. Incloses copy of letter from the Acting Secretary of the Navy, together with copies of report and findings of naval board appointed to investigate the killing of Lieut. Clarence England, U. S. Navy, by stray bullets from a French warship engaged in rifle practice, and directs him to take early occasion to bring the matter in oral conference to the attention of the minister for foreign affairs.	398
200	Mr. McCormick to Mr. Root.	Dec. 20	Same subject. Refers to instruction No. 219. says he left a memorandum with minister for foreign affairs relative to killing of Lieutenant England by stray bullets from French warship, and states that M. Pichon assured him that the United States could not feel more deeply than did his Government on the subject, and that he was already in conference with minister of marine relative to matter.	401
	Mr. Root to Mr. McCormick (telegram).	Dec. 22	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Informs him that American consul-general at Marseille reports arrest for fraudulent bankruptcy of Frederick Lodge Jacobs, claiming to be an American citizen, pending arrival of papers from Argentine. Instructs him to investigate and take whatever action he properly can.	411
204	Mr. McCormick to Mr. Root.	Dec. 24	Same subject. Referring to telegram of Dec. 22, relative to case of Frederick Lodge Jacobs, now detained at Marseille at request of the Argentine Republic, reports on case and incloses copy of note to minister for foreign affairs relative to matter.	411
212	Mr. McCormick to Mr. Bacon.	1907. Jan. 2	Discrimination against American meat products. Acknowledges No. 228, of Dec. 28, 1906, states that he transmitted to minister for foreign affairs copies of act of June 30, of forms of certificates, and of various regulations concerning inspection of American pork products, and incloses copy of memorandum from French department of agriculture relative to matter.	402
245	Mr. Root to Mr. McCormick.	Jan. 12	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Acknowledges dispatch No. 204, of Dec. 24, incloses copy of letter from Mr. Frederick Lodge Jacobs, detained at Marseille at request of the Argentine Republic, informs him that department approves his note to minister for foreign affairs relative to matter, and instructs him to continue his efforts in behalf of Mr. Jacobs, and if still under arrest to ascertain by what law of France he is deprived of his liberty.	412
	Mr. McCormick to Mr. Root.	Jan. 17	Agreement between Great Britain, France, and Italy in regard to the importation of arms and ammunition into Abyssinia. Transmits copies of a Yellow Book issued by the French foreign office on the affairs of Ethiopia.	430

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FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Same to same (telegram)....	Jan. 21	Extradition of Frederick Lodge Jacobs, an American citizen to the Argentine Republic from France. Reports that Frederick Lodge Jacobs, detained at request of the Argentine Republic, is still in prison, and that foreign office shows evident intention of giving him up without consulting the embassy. Says no extradition treaty was exchanged with the Argentine Republic, but a reciprocity letter. States that he will not venture to push matter further without instructions, owing to peculiar position of Jacobs with regard to his right to claim protection of the embassy, as reported in his No. 204.	413
	Mr. Bacon to Mr. McCormick (telegram).	Jan. 22	Same subject. Informs him that it appears from facts before the department that Frederick Lodge Jacobs, detained at request of the Argentine Government, is an American citizen and is entitled to protection. Cites precedent and instructs him to inform minister for foreign affairs that the United States seems to have as strong a claim to consideration of the French Government in asking adequate protection for an American citizen as the Argentine Government has to obtain his surrender.	413
227	Mr. McCormick to Mr. Root.	...do	Same subject. Refers to dispatch No. 204, of Dec. 24, 1906, and incloses copies of dispatches and telegrams exchanged with French foreign office and the Department of State relative to case of Frederick Lodge Jacobs, detained at request of the Argentine Republic.	414
	Mr. Root to Mr. White.....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
234	Mr. Vignaud to Mr. Root....	Jan. 31	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Refers to instruction No. 245, of Jan. 12, and incloses copy of his note to foreign office relative to case of Frederick Lodge Jacobs, detained at request of the Argentine Government. Says no reply has been received to his note, but that he has ascertained informally that foreign office hesitates to comply with request in order not to establish precedent. Says Consul-General Skinner reports that after examination of prisoner district attorney has reported to minister of justice adversely to demand of Argentine for extradition.	416
254	Mr. Root to Mr. White.....	....do....	Restrictions upon the importation, growth, and use of opium. Incloses copy of instruction sent to embassies at London and Tokyo. Also incloses copy of regulations for suppression of opium growing and smoking in China, and states that views of Japan and Great Britain being favorable and cooperation of China seeming assured, it is desirable that on bringing this matter to attention of the French Government to inquire whether it will be willing to join other powers mentioned in conference on opium question or whether if another course were deemed more practical it would be prepared to name a commissioner who in concert with the other commissioners would investigate the subject, or in case of divergence of views statement thereof to several Governments for their consideration.	146
264	Mr. Bacon to Mr. McCormick.	Feb. 11	Discrimination against American meat products. Refers to dispatch No. 212 of Jan. 2, and incloses copy of letter from the Secretary of Agriculture, with its inclosures, in response to memorandum from French department of agriculture calling for further information as to mode of meat inspection under act of Congress of June 30, 1906.	404
	Mr. McCormick to Mr. Root (telegram).	Feb. 23	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Refers to his Nos. 227 and 234, says French Government has submitted papers in case of Jacobs, states that they seem regular to counsel of embassy, and asks for further instructions.	418
	Mr. Root to Mr. McCormick (telegram).	Feb. 27	Same subject. Informs him that question of surrender of Jacobs depends upon sufficiency of extradition papers which department has not seen. Says if embassy is satisfied with their regularity they should interpose no objection to surrender, but if not satisfied to consult Consul-General Skinner.	418

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FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
2	Mr. Root to Mr. White.....	Feb. 28	Discrimination against American meat products. Incloses copy of letter of Feb. 18, from Messrs. Armour & Co., of Chicago, Ill, and says department would be glad to receive report relative to question of admission of American salted meats into France when accompanied by certificates of inspection contemplated by law of June 30, 1906.	405
272	Mr. Bacon to Mr. Vignaud..	Mar. 7	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Acknowledges No. 234 of Jan. 31, approves his note to minister for foreign affairs relative to case of Jacobs, and informs him that his further report is awaited with interest.	417
2	Mr. Vignaud to Mr. Root...	Mar. 8	Same subject. Referring to previous correspondence relative to extradition case of Frederick Lodge Jacobs, incloses copies of correspondence between the embassy and the foreign office concerning matter.	418
	Mr. Root to Mr. Vignaud (telegram).	Mar. 12	Disaster to the French war ship *Jena*. Instructs him to convey to the President of the French Republic the sympathy and sorrow of the American people for the disaster to the French war ship *Jena*.	431
6	Mr. Vignaud to Mr. Root...	Mar. 14	Same subject. Acknowledges telegram of Mar. 12, and incloses copy of his note to minister for foreign affairs conveying sympathy of the President and American nation on occasion of loss of the battle ship *Jena*, and copy of reply of minister for foreign affairs thereto.	431
2	Mr. White to Mr. Root.....	Mar. 23	Discrimination against American meat products. Refers to instruction No. 2, of Feb. 28, says that French Government has not replied to embassy's notes of Mar. 1 and 5 relative to inspection of American salted meats, and incloses copy of further note on subject of Mar, 21 to minister for foreign affairs.	406
8	Mr. Bacon to Mr. White.....	Apr. 3	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Acknowledges dispatch No. 2 of Mar. 8, informs him that department considers that embassy did utmost that could properly be done in behalf of Frederick Lodge Jacobs, and that since proceedings in case are shown by French minister for foreign affairs to have been within French law, it would have been improper further to oppose the surrender of Jacobs to the Argentine Government.	424
322	Mr. Skinner to Mr. Bacon...	Apr. 4	Same subject. Acknowledges instruction No. 308, of Mar. 9, and reports on the case of Frederick Lodge Jacobs, detained at Marseille at request of the Argentine Government on charge of fraudulent bankruptcy.	425
	Mr. Root to Mr. Jusserand..	Apr. 8	Accidental killing of Lieut. Clarence England, U. S. Navy, by stray bullets from a French war ship engaged in rifle practice. Refers to offer of the French Government of 30,000 francs as personal indemnity to family of the late Lieut. Clarence England, who was killed by a stray bullet from a French war ship, informs him of the acceptance of the sum mentioned, and expresses appreciation for the kindly feeling shown by the French Government in the matter.	401
18	Mr. Bacon to Mr. White.....	Apr. 18	Discrimination against American meat products. Acknowledges dispatch No. 2 of Mar. 23, informs him that his action is approved, and feels that he will keep judiciously pressing for a reply from French foreign office relative to question of inspection of American meat products.	406
315	Mr. Wilson to Mr. Skinner..	Apr. 27	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Acknowledges dispatch No. 322, of April 4, relative to extradition case of Frederick Lodge Jacobs, informs him that department has given due attention to his observations regarding practice in France, which allows extradition of fugitives from justice of foreign countries on principle of reciprocity, in absence of treaty stipulations, and gives department's views relative thereto.	426
	Memorandum from the French embassy.	May 10	Treaty between Japan and France relating to the Far East. States that object of intended understanding, which is not yet signed, is territorial statu quo in the extreme East, the equality of treatment of all powers, and integrity of China.	754

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FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
390	Mr. Root to Mr. Jusserand..	May 18	Claim of Messrs. Laurent & Lambert *v.* the United States for losses sustained during the Spanish-American war. Refers to note of May 18, 1906, and incloses copy of report of the Judge-Advocate-General of the Army relative to the claim of Messrs. Laurent & Lambert.	393
	Proclamation by the President.	...do	International Sanitary Convention. Text.....	434
	Mr. Wilson to Mr. Jacobs...	May 25	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Acknowledges letter of Apr. 17, relative to his arrest and imprisonment at Marseille, says energies of the department were necessarily limited to an endeavor to secure for him all rights under French law applicable to extradition cases, and states that it does not appear that his detention was in accordance with French procedure. Informs him that if it should be made to appear that there was any violation of the local law in his case, the matter should be brought to attention of embassy.	428
	Mr. Jusserand to Mr. Root..	June 5	Accidental killing of Lieut. Clarence England, U. S. Navy, by stray bullets from a French war ship engaged in rifle practice. Incloses draft for 30,000 francs, and requests that it be sent to family of late Lieut. England, who was killed by stray bullets from French war ship.	402
	Same to same.....	June 8	Application to other countries of administrative provisions of commercial agreement between the United States and Germany. Sets forth status of French chambers of commerce, and makes certain suggestions as to application of provisions of American-German commercial agreement which have been extended to France.	492
	Mr. Skinner to Mr. Root (telegram).	...do.....	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Reports continued imprisonment of Jacobs, although extradition was authorized Mar. 30.	429
	Mr. Root to Mr. Jusserand..	June 11	Accidental killing of Lieutenant England, U.S. Navy, by stray bullets from a French warship engaged in rifle practice. Acknowledges note of June 5, inclosing draft for 30,000 francs to be paid to the family of the late Lieutenant England, and informs him that matter will be taken up and receipts returned to him signed by proper parties.	402
	Mr. Root to Mr. McCormick (telegram).	...do.....	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Instructs him to ascertain if continued imprisonment of Jacobs is according to French law.	429
	Mr. Root to Mr. Jusserand..	June 13	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Acknowledges note of June 8, and informs him that translation of said note has been communicated to the Secretary of the Treasury, and that he will be informed later as to reply thereto.	493
	Mr. Skinner to Mr. Root (telegram).	June 15	Extradition of Frederick Lodge Jacobs, an American citizen, to the Argentine Republic from France. Says Jacobs is to leave on the 20th, and that the incident is considered closed.	430
41	Mr. White to Mr. Root.....	June 18	Same subject. Refers to department's telegram of June 13 relative to continued imprisonment of Jacobs, and says his detention has been due to difficulty in making suitable arrangements for his transfer to the Argentine Republic, and that he leaves on 20th instant.	429
	Mr. Root to Mr. White (telegram).	June 19	Restrictions upon the importation, growth, and use of opium. States that the Governments of Germany, Great Britain, Holland, and Japan are prepared to join the United States in appointing commissioners jointly to investigate the opium question, provided the cooperation of China is assured, and that inquiry covers production of opium in China as well as its importation. Further states that the Chinese Government is favorably disposed and will doubtless appoint a commissioner, and adds that reply of France is necessary before proceeding further. Directs him to see instruction No. 254.	158
43	Mr. White to Mr. Root.....	...do	Treaty between Japan and France relating to the Far East. Incloses copy of the treaty.	754

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FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Jusserand to Mr. Root..	June 20	Claim of Messrs. Laurent & Lambert *v.* The United States for losses sustained during the Spanish-American war. Refers to note of May 18 relative to indemnity claim of Messrs. Laurent & Lambert for losses sustained by them in Cuba during the Spanish-American war, and sets forth his objections to opinion of the Judge-Advocate-General of the Army in the case.	395
47	Mr. White to Mr. Root.....	June 26	Agreement between France and Spain for the maintenance of their international status quo in the Mediterranean and on the Atlantic coasts of Europe and Africa. Refers to his No. 42 of June 19 and incloses copy of text of agreement between France and Spain for preservation of their territorial status quo in the Mediterranean and on Atlantic coasts of Europe and Africa.	434
412	Mr. Adee to Mr. des Portes..	June 29	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Refers to Ambassador's note of June 8 and informs him that the Secretary of the Treasury will be pleased to receive copies of the laws and decrees referred to in said note relative to the French chambers of commerce.	493
	Mr. des Portes to Mr. Root..	July 7	Interpretation of the word "champagne," as used in the commercial agreement between the United States and Germany. Refers to commercial convention concluded between the United States and Germany, and asks for an interpretation of "champagne" as used in convention.	508
	Mr. White to Mr. Root (telegram).	July 10	Restrictions upon the importation, growth, and use of opium. States that French Government is willing to be represented on international commission of investigation, provided, however, that other powers interested agree thereto.	163
66	Mr. Adee to Mr. White.....	July 11	Discrimination against American meat products. Refers to previous correspondence relative to French regulations affecting importation of American salted meats; incloses copy of report from Consul-General Skinner at Marseille and letter from Armour & Co., of Chicago, alleging that French minister of agriculture states that he had not been officially notified regarding the inspection law of June 30, 1906, and intimating that when he is so advised and is satisfied with new form of inspection, there should be no further objection to admission of American pork products.	407
	Mr. Roosevelt to Mr. Failleres (telegram).	July 15	Attempt against the life of the President of the French Republic. Extends congratulations on his escape from injury.	432
	Mr. White to Mr. Root (telegram).	July 17	Discriminations against American meat products. States that he has been informed that orders have been given for provisional admission of American salted meats to France without microscopic examination, says he is watching matters closely in the departments concerned, and states that he was asked whether he could officially inform French Government that certificates of French chambers of commerce are now accepted at our custom-houses on equal terms with those of German chambers of commerce. Adds that it would facilitate matters if he could give this information.	408
	Mr. Bacon to Mr. White (telegram).	July 18	Same subject. Refers to embassy telegram of July 17, and informs him that Treasury Department will give instructions to its appraising officers to accept certificates issued by French chambers of commerce. Directs him to express to French Government appreciation for its friendly action in the admission of American salted meats.	409
	Mr. des Portes to Mr. Adee..	Aug. 3	Political affairs in Morocco. Informs department that 9 Europeans were murdered at Cassablanca on July 30. Says victims were employed by French company, and reports on measures taken by his Government in interest of foreign residents.	889
424	Mr. Bacon to Mr. des Portes.	Aug. 7	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Refers to Ambassador's note of June 8, and informs him that department has been advised by the Treasury department that it perceives no objection to acceptance of certificates of value issued by French chambers of commerce on same footing as those extended to German chambers of commerce under Point F of diplomatic note annexed to American-German commercial agreement.	494

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FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. des Portes to Mr. Adee..	1907. Aug. 7	Political affairs in Morocco. Transmits note from minister for foreign affairs of France, together with note verbale, relative to Casablanca outbreak and measures adopted to insure restoration of order and safety in Morocco.	890
	Mr. Adee to Mr. White (telegram).	Aug. 9	Restrictions upon importation, growth, and use of opium. Instructs him to forward to the department copy of note of the French Government accepting invitation to join opium commission.	166
66	Mr. Vignaud to Mr. Root...	Aug. 10	Same subject. Incloses copy of note of French Government accepting invitation to take part in opium commission.	166
429	Mr. Adee to Mr. des Portes..	Aug. 13	Political affairs in Morocco. Acknowledges note of 7th instant, with inclosures, relative to outbreak at Casablanca and measures adopted by French Government.	892
77	Mr. White to Mr. Root.....	Sept. 10	Discrimination against American meat products. Refers to his telegram of July 17, relative to admission provisionally into France of American salted meats without microscopic examination, and incloses note from minister for foreign affairs on subject.	409
	Mr. des Portes to Mr. Root..	Sept. 15	Political affairs in Morocco. Recounts French Government's plan for temporary police force in Morocco.	897
457	Mr. Root to Mr. des Portes..	Sept. 24	Interpretation of word "champagne" as used in commercial agreement between the United States and Germany. Acknowledges note of July 7, and explains intent and purpose of word "champagne" as it appears in the commercial agreement between the United States and Germany.	509
	Same to same.....	...do....	Political affairs in Morocco. Acknowledges the chargé's note of Sept. 15.	899
462	Mr. Bacon to Mr. des Portes.	Oct. 4	Claim of Messrs. Laurent & Lambert *v.* The United States for losses sustained during Spanish-American war. Acknowledges note of June 20, and incloses copy of a memorandum prepared by the Solicitor for the Department of State relative to the case.	396
90	Mr. White to Mr. Root.....	...do....	Frontier agreement between France and Liberia. Incloses copy and translation of frontier agreement between France and Liberia.	830
98	Mr. Bacon to Mr. White....	Oct. 14	Restrictions upon importation, growth, and use of opium. See instruction No. 134 of Oct. 14, 1907, from Mr. Bacon to Mr. Hill.	169
102	Mr. Adee to Mr. White.....	Oct. 17	Discrimination against American meat products. Refers to dispatch No. 77 of Sept. 10, incloses copy of letter from Secretary of Agriculture relative to official inspection in this country of salted pork, and directs him to bring matter to attention of minister for foreign affairs.	410
161	Mr. White to Mr. Root.....	Dec. 20	Convention between France and Great Britain for the prevention of fraud in succession duties. Incloses copy of convention between France and Great Britain for prevention of fraud in succession duties, and makes comment upon certain points of said convention.	432

GERMANY.

588	Mr. Root to Mr. Tower.....	1906. Dec. 15	Military service of Henry Schultheis. Incloses copy of letter from Henry Schultheis, who desires permission to visit his former home is Germany, and incloses copies of correspondence had in 1900 between Schultheis and the embassy.	514
	Mr. Root to Mr. Tower (telegram.	1907. Jan. 15	The Second Peace Conference. Informs him that department is advised by Russian ambassador that Mr. de Martens will visit capitals of Europe for purpose of exchanging views with respective Governments as to organization of the Second Peace Conference and selection of a date. Says as Mr. de Martens can not visit Washington he will confer with him (Mr. Tower) when he visits Berlin for purpose indicated. Refers to department's correspondence with Russian Government relative to reservation by the United States of right to discuss questions of reduction of armaments and employment of force for collection of contractural debts.	1099

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GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Tower to Mr. Root (telegram).	Jan. 23	Same subject. Reports his interview with Professor Martens on Jan. 22 relative to The Hague Conference.	1100
	Same to same (telegram)....	Jan. 25	Same subject. Reports second interview with Professor Martens, and says he informed him that date for conference—the end of May or the beginning of June—is acceptable to the United States; also form of organization of equality of participation.	1101
	Mr. Root to Mr. Tower.....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
604	Mr. Root to Mr. Tower.....	Jan. 31	Restrictions upon importation, growth, and use of opium. Incloses copy of instruction sent to embassies at London and Tokyo. Also incloses copy of regulations for suppression of opium growing and smoking in China, and states that views of Japan and Great Britain being favorable and cooperation of China seeming assured, it is desirable that on bringing this matter to attention of the German Government to inquire whether it will be willing to join with other powers mentioned in a conference on opium question, or whether if another course were deemed more practical it would be prepared to name a commissioner who, in concert with other commissioners, would investigate subject, or in case of divergence of views, a statement thereof to several Governments for their consideration.	146
	Mr. Tower to Mr. Root (telegram).	...do.....	The Second Peace Conference. Says he has ascertained that the German Government accepts programme of Russia for conference, that she is strongly disinclined to discuss subjects not contained in that programme, and that she is opposed to question of disarmament. States that Germany favors last of May or first of June as date of meeting, and agrees to same form of organization as at last conference. Says Professor de Martens renews his suggestion that Russia be promptly informed if the United States intends to present new questions for discussion, so that information may be communicated to other powers.	1101
1093	Same to same.....	Feb. 5	Citizenship of persons born in the United States of German parents and living in Germany. Reports case of Carl Gundlich, whose father, Carl Gundlich, residing in Kiedrich, Rheingau, has applied to the embassy for a passport for his son, says it appears to be intention of the father to use fact of birth of boy in the United States in order to escape duties in Germany, and that, subject to approval of the department, he will decline to issue a passport to him.	516
615	Mr. Bacon to Mr. Tower....	Feb. 27	Extension of the provisions of the naturalization treaties between the United States and Germany to Alsace-Lorraine. Refers to the extension of the provisions of naturalization treaties between the United States and Germany to Alsace-Lorraine, and instructs him to endeavor to secure from the German Government an arrangement which will put American citizens born in Alsace-Lorraine upon same footing as other American citizens of German origin returning to that country for legitimate purposes.	511
1118	Mr. Tower to Mr. Root.....	Mar. 7	Military service of Henry Schultheis. Refers to No. 588, of Dec. 15, 1906, and incloses copy of note from minister for foreign affairs relative to military case of Henry Schultheis.	515
618	Mr. Bacon to Mr. Tower....	Mar. 8	Citizenship of persons born in the United States of German parents and living in Germany. Acknowledges dispatch No. 1093, of Feb. 5, relative to issuance of a passport to Carl Gundlich, and informs him that passport should be issued to him in view of fact that he has not yet reached his majority and is not competent to elect another nationality than that of his birth. Says if, upon reaching the age of 21, he does not return to land of his birth this Government may reasonably conclude that he has elected another nationality.	516

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GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
1121	Mr. Tower to Mr. Root.....	Mar. 15	Extension of the provisions of the naturalization treaties between the United States and Germany to Alsace-Lorraine. Acknowledges No. 615, of Feb. 15, and incloses copy of note to the German minister for foreign affairs relative to the placing of American citizens born in Alsace-Lorraine on the same footing as other American citizens of German origin returning to Germany for legitimate purposes.	512
	Mr. Eddy to Mr. Root (telegram).	Apr. 2	Restrictions upon the importation, growth, and use of opium. Refers to department's number 604, and states that he has received note from ministry for foreign affairs, which states willingness of the Japanese Government to take part with other powers in a conference for investigation of opium and opium trade in eastern Asia. States that ministry for foreign affairs desires to be informed as to how proposals of the United States have been received by other powers.	155
1142	Same to same.....	Apr. 3	Same subject. Transmits copy of note from the Imperial German ministry for foreign affairs and confirms his cipher telegram of Apr. 2.	156
	Mr. Root to Mr. Eddy (telegram).	Apr. 6	Same subject. Acknowledges telegram of the 2d, and states that British Government has expressed preference for commission to investigate opium trade rather than initial conference, but will offer no objection to the latter if other powers prefer it. Informs him that no further replies have been received, although Japan had already indicated consent.	156
	Mr. Root to Mr. Sternburg..	Apr. 22	Commercial agreement between the United States and Germany. Refers to commercial agreement signed on Apr. 22 between the German Government and the Government of the United States, and sets forth points on which customs and consular officers of the United States have been instructed, and which shall remain in force for term of said agreement.	479
	.....	Apr. 22 May 2	Commercial agreement between the United States and Germany, signed at Washington Apr. 22, 1907; at Levico, May 2, 1907. Text.	477
	Mr. Root to Mr. Sternburg..	May 2	Same subject. Refers to commercial agreement between two countries, and incloses copy of an amendment of section 7 of the customs administrative act which the President of the United States will recommend to Congress.	480
649	Mr. Root to Mr. Tower.....	May 28	Military service case of George Ahl. Refers to military service case of George Ahl, and instructs him to endeavor to have Mr. Ahl given permission to remain long enough in Germany to complete his musical studies.	525
	.....	June 1	Commercial agreement between the United States and Germany. Text.	485
842	Mr. Root to Mr. Garrett.....	June 10	Diplomatic immunities of an ambassador's household. Refers to dispatch No. 1273, of Dec. 20, reporting an altercation between a German tax collector and porter at ambassador's house, in consequence of which ambassador was asked to permit summons to be served on porter at house, and informs him that if porter is still in service of embassy the question of his personal immunity may be waived, but that service should be personal and outside of embassy precincts.	529
693	Mr. Bacon to Mr. Tower....	Aug. 7	Marriage of American citizens in Germany or on Germany territory. Incloses copy of dispatch from American consul at Tsingtau relative to marriage of Americans in Germany or on German territory, incloses copy of the department's reply thereto, together with copy of departmental memorandum on subject, and instructs him to report as to advisability of bringing matter informally to attention of the German Government with view to arriving at some solution of difficulties presented.	519
1214	Mr. Tower to Mr. Root.....	Aug. 8	Military service case of George Ahl. Refers to instruction No. 649, of May 28, relative to case of George Ahl, and says he has been informed by minister for foreign affairs that it is not desirable that Mr. Ahl shall remain longer in Germany than period already fixed for his departure.	526

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GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1240	Same to same.....	1907. Sept. 23	Marriage of American citizens in Germany or on German territory. Acknowledges No. 693, of Aug. 7, and reports on question of marriages between Americans in Germany or on German territory.	523
727	Mr. Bacon to Mr. Tower....	Oct. 14	Restrictions upon the importation, growth, and use of opium. See instruction No. 134, of Oct. 14, 1907, from Mr. Bacon to Mr. Hill.	169
731	Same to same.....	Oct. 23	Marriage of American citizens in Germany or on German territory. Acknowledges dispatch No. 1240, of Sept. 23, and informs him that in view of fact that strict compliance with the "certificate" requirement of German marriage laws seem to be practically impossible for an American citizen, instructs him to bring informally to attention of the German Government difficulties thus arising, to end that an expression of that Government's views may be obtained and an arrangement made which will afford a satisfactory solution of the difficulties now existing.	525
1255	Mr. Tower to Mr. Root.....	Nov. 5	Restrictions upon the importation, growth, and use of opium. Acknowledging instruction No. 727, of Oct. 14, states that he has transmitted the inclosures to the minister for foreign affairs, and that he has inquired whether or not the German Government finds it convenient to suggest a place and time of meeting of opium conference.	169
	Mr. Sternburg to Mr. Root..	Dec. 7	Punishment for crime committed before, and not mentioned in extradition proceedings. Refers to extradition of Georg Bartholomaus from the United States to Germany, and asks the department's views as to whether extradited man can be prosecuted for an offense committed prior to extradition and not set forth in requisition, provided no action is taken until a month after his release from present term of imprisonment.	517
1273	Mr. Tower to Mr. Root.....	Dec. 20	Diplomatic immunities of an ambassador's household. Reports on a case which he says recently occurred at his house in Berlin, which brings into question subject of diplomatic privileges in regard to immunity from arrest of servants in an ambassador's household, and incloses copy of a note from minister for foreign affairs on subject.	527
670	Mr. Root to Mr. Sternburg..	Dec. 28	Punishment for crime committed before, and not mentioned in extradition proceedings. Refers to note of Dec. 7, relative to extradition of Georg Bartholomaus from the United States to Germany, and says department is in accord with embassy upon the general principle that trial and acquittal, or trial and conviction, for an extradition offense, does not clothe the fugitive with permanent immunity from prosecution for other offenses committed prior to extradition, but that fugitive may be rearrested after he has been given a reasonable time to depart from the jurisdiction.	518

GREAT BRITAIN.

(See also Egypt.)

146	Mr. Root to Mr. Bryce.....	1904. Dec. 10	Arrangement by an exchange of notes concerning administration and lease of certain small islands on the North Bornean coast by British North Borneo Co. Refers to embassy's note of Sept. 7, 1903, concerning status of certain islands near coast of British North Borneo, and says the Government of the United States is willing to come to an understanding with the British Government whereby a joint examination of North Bornean neighborhood shall be made by experts on behalf of each Government in order to agree, if possible, on a tentative line which shall conveniently and fairly represent intention of parties to protocol of 1885.	542

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GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1905.		
198	Mr. Durand to Mr. Root....	Sept. 29	Same subject. Refers to department's note of Dec. 10, 1904, concerning status of certain islands near coast of British North Borneo; says there seems to be no necessity for carrying out a demarcation between American possessions and British North Borneo, as there is no intention to question the title of the United States to islands. States that the Government of Great Britain is willing to allow British North Borneo Co. to retain control over islands, and asks if the United States would be willing to make same concession.	543
		1906.		
5	Same to same.....	Jan. 6	Same subject. Refers to previous correspondence relative to status of certain islands in North Borneo, and says that British North Borneo Co. desires to put forward an alternative proposal to that of the United States by which they are to carry on administration of islands in question, while paying to the United States the annual sum of $150 as a recognition of their rights. States that proposal is submitted for consideration of the Government of the United States.	544
	Mr. Root to Mr. Durand....	Jan. 12	Same subject. Acknowledges note of Jan. 6, and sets forth the views of department relative to control to be exercised over certain islands in North Borneo.	545
	Mr. Durand to Mr. Root....	June 23	Same subject. Acknowledges department's note of Jan. 12, and gives views of the British North Borneo Co. relative to points raised in said note.	545
138	Mr. Durand to Mr. Adee....	July 17	Renunciation of extraterritorial rights in Zanzibar. States that although the treaty between United States and Great Britain provides for surrender of extraterritorial jurisdiction in Zanzibar by United States when it has also been surrendered by other powers concerned, the Zanzibar government is caused great inconvenience by reason of long delay in securing these conditions. Asks that United States surrender her extraterritorial jurisdiction provisionally, pending similar action by Portugal. States similar request has been made of German Government.	569
489	Mr. Adee to Mr. Durand....	July 27	Same subject. Acknowledges note of 17th, and agrees provisionally to forego exercise of extraterritorial jurisdiction contingent upon similar temporary waiver by German Government.	570
195	Mr. Higgins to Mr. Root....	Oct. 10	Same subject. Acknowledges note of July 27, and expresses thanks of British Government for courteous manner in which its request was treated.	570
545	Mr. Root to Mr. Durand....	Oct. 15	Same subject. Acknowledges receipt of note of the 10th, and states desire to be informed of German Government's waiver similarly.	570
208	Mr. Durand to Mr. Root....	Nov. 6	Arrangement by an exchange of notes concerning administration and lease of certain small islands on the North Bornean coast by the British North Borneo Company. Refers to a memorandum left by him at Department of State concerning leasing to the British North Borneo Company of certain islands off coast of Borneo, and states that he is in receipt of a note from British Secretary of State for Foreign Affairs asking what progress has been made in the matter.	546
	Mr. Root to Mr. Carter (telegram).	Dec. 10	Investigation of affairs in the Kongo. Makes known the President's interest in the steps which are being considered by the British Government toward the amelioration of conditions in the Kongo, and directs him to make known the President's desire to contribute by such action and attitude as may properly be within his power toward the realization of whatever reforms may be counseled by the sentiments of humanity and by the experience developed by the past and present workings of Kongo administration.	793
	Mr. Carter to Mr. Root (telegram).	Dec. 12	Same subject. Expresses gratification of British Government at interest and attitude taken by the President in the matter. Outlines certain views as expressed by Sir Edward Grey.	793
	.....	Dec. 13	Agreement between the United Kingdom, France, and Italy, respecting Abyssinia, text of.	579
296	Mr. Carter to Mr. Root.....	Dec. 14	Investigation of affairs in the Kongo. Reports communication of telegram of the 10th instant to foreign office. Incloses clipping relating to an international conference.	794

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GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1906.		
	Mr. Root to Mr. Durand....	Dec. 19	Arrangement by an exchange of notes concerning administration and lease of certain small islands on the North Bornean coast by the British North Borneo Company. Refers to embassy note of Nov. 6 relative to a memorandum on the subject of administration or lease of certain islands on the North Bornean coast to the British North Borneo Company, makes certain suggestions relative to administration of islands, and says department would be glad to have views of the British Government relative thereto.	546
		1907.		
366	Mr. Adee to Mr. Carter.....	Jan. 7	Requirements for registration of American medical practitioners in the British possessions in the Far East. Incloses letter from Chas. A. L. Reed, of American Medical Association, bringing to Department's notice alleged discrimination against graduates of American medical schools in Hongkong and other British oriental territory. Instructs to make inquiry and report re specific discrimination complained of.	553
	Mr. Root to Mr. Reid (telegram).	Jan. 15	The Second Peace Conference. See telegram of Jan. 15, 1907, to Mr. Tower.	1099
	Mr. Snyder to Mr. Root (telegram).	Jan. 16	Earthquake in Jamaica. "Fearful earthquake followed by fire; Kingston destroyed; hundreds of lives lost; food sadly wanted. Consulate partially destroyed; fireproof safe."	558
	President Roosevelt to King Edward (telegram).	...do....	Same subject. "I beg Your Majesty to accept my own sympathy and that of the American people on account of the dire disaster that has befallen Your Majesty's subjects in Jamaica."	558
	Mr. Root to Mr. Howard (telegram).	...do....	Same subject. "Express to Sir Edward Grey my profound sympathy on account of the disaster in Jamaica."	558
	Mr. Root to Mr. Swettenham (telegram).	...do....	Same subject. "I beg Your Excellency to believe in the deep and sincere sympathy of the people of the United States at this time of death and suffering in Jamaica."	558
	Mr. Root to Mr. Howard...	...do....	Same subject. Asks that there be cabled the governor of Jamaica an expression of deep and sincere sympathy of people of United States for people of Jamaica, and asks to be informed whether situation is such that people can be relieved by supplies or assistance sent from Guantanamo, Navy Department being glad to do what it can, and Guantanamo being so near Kingston.	558
	Mr. Howard to Mr. Root...	Jan. 17	Same subject. States he has been instructed to express high appreciation of British Government for prompt assistance of United States to Jamaica.	559
	Same to same.....	Jan. 18	Same subject. Expresses thanks of Sir Edward Grey for message of sympathy conveyed to him by Mr. Carter.	559
	Mr. Swettenham to Mr. Root (telegram).	Jan. 20	Same subject. "Jamaica profoundly grateful to Your Excellency for expression of sympathy and for the very practical aid so kindly given by Admiral Davis and the entire particular service squadron of the United States Navy."	559
	Mr. Orrett to Mr. Bacon....	...do.....	Same subject. Submits detailed report of conditions during and after the earthquake.	560
604	Mr. Bacon to Mr. Howard...	Jan. 21	Same subject. States that this Government was glad that proximity of United States naval vessels permitted assistance to stricken British subjects.	562
	Archbishop Nuttall to President Roosevelt (telegram).	...do.....	Same subject. "We all deeply appreciate American sympathy in our distress and the prompt visit of your men-of-war for our succor. Happily, supply of food available for relief committee is sufficient. After meeting cost of this our next great want will be the means for making small houses habitable. All our people are behaving splendidly."	562
	Mr. Snyder to Mr. Root (telegram).	Jan. 22	Same subject. Estimates 1,500 instantly killed, about 900 buried, none Americans identified. Total deaths, 1,800. No scarcity food. Medicines, disinfectants needed. Water supply fair. 30,000 reported homeless. Street cleaning rapidly going on. People tranquil.	563
	Mr. Winthrop to Mr. Root (telegram).	...do.....	Same subject. "I have been asked to ascertain present conditions Jamaica sufferers. Whether Red Cross desire private subscriptions and form donations should take. Please cable reply."	563

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GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
14	Mr. Howard to Mr. Bacon...	Jan. 22	Same subject. Expresses appreciation of offer of United States Government to render further assistance, money or otherwise, to sufferers from earthquake, but as no telegram has been received from the governor of Jamaica, it is thought not likely that generosity of United States will be availed of further. Expresses appreciation of valuable assistance rendered by chief engineer on Panama Canal in sending special steamer with supplies and tents, and for Admiral Davis' help.	563
15	Same to same.....	Jan. 24	Same subject. Incloses copy of telegram from Sir Edward Grey, expressing appreciation of the America's sympathy for Jamaica.	564
	Mr. Bacon to Archbishop Nuttall (telegram).	...do.....	Same subject. "The President much pleased with your kindly message, and directs me to express his warmest thanks."	564
610	Mr. Bacon to Mr. Howard..	Jan. 26	Same subject. Acknowledges receipt of note of 22d re British Government's appreciation of assistance rendered by officers of American Government, and adds appreciation of British acceptance of American tenders.	564
611	Mr. Root to Mr. Howard....	Jan. 28	Same subject. Acknowledges note of 24th, communicating Sir Edward Grey's responsive telegram to Mr. Bacon's note of 22d.	565
	Mr. Root to Mr. Reid.....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
385	Same to same.....	Jan. 31	Restrictions upon the importation, growth, and use of opium. Refers to No. 297 and instructs him to inquire which of the two courses suggested would be more convenient and acceptable to the British Government.	144
28	Mr. Howard to Mr. Root....	Feb. 1	Earthquake in Jamaica. States governor of Jamaica desires his appreciation expressed for supply of tents sent to Jamaica by Americans.	565
	Mr. Metcalf to Mr. Root.....	Feb. 12	Same subject. Transmits copies of correspondence between Admiral Davis and the governor of Jamaica, the latter expressing gratitude for services rendered.	565
	.....	...do.....	Supplementary convention between the United States and Great Britain for the extradition of criminals. Text of.	576
	Mr. Reid to Mr. Root (telegram).	Feb. 22	The Second Peace Conference. Says Sir Edward Grey has communicated to him his final interview with M. Martens, and sets forth position of the British Government relative to the Second Peace Conference.	1101
332	Mr. Carter to Mr. Root.....	Mar. 2	Requirements for the registration of American medical practitioners in the British possessions in the Far East. Refers to department's instruction of January 7, incloses copy of note from foreign office, February 28, and copies of sections of ordinances in force in Hongkong, etc., specifying conditions upon which practice licenses are issued. Foreign office states that governor of Hongkong has been requested to report upon the state of affairs, and that such report will be forwarded to the department when received.	554
	Same to same (telegram)....	Mar. 15	Restrictions upon the importation, growth, and use of opium. States that he has been informed by Sir Edward Grey that in opinion of His Majesty's Government procedure by way of commission would seem better adapted to investigation of facts than an international conference. Also states that Sir Edward Grey will be asked by the House of Commons whether the British Government has received a proposal from the United States Government for appointment of a commission or conference respecting opium traffic, and if so, whether he can give particulars of proposal as well as reply to the British Government. Further states that Sir Edward Grey proposes to answer question and asks to be advised if department has any objection to question being answered.	149
335	Same to same.....	...do.....	Same subject; Incloses copy of a note from Sir Edward Grey in reply to a memorandum presented to the foreign office by Mr. Reid, copy of which is inclosed.	150
59	Mr. Howard to Mr. Root....	Mar. 20	Renunciation of extraterritorial rights in Zanzibar. States Germany is only country save United States which possesses extraterritorial rights in Zanzibar under definite treaty, which, by convention are to be surrendered, when similar rights of other powers are abolished; and requests that this matter be considered by United States.	571

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GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Same to same	Mar. 22	The Second Peace Conference. Incloses memorandum which was communicated to the Russian Government by British ambassador at St. Petersburg relative to discussion of question of expenditure on armaments at the Peace Conference.	1103
	Mr. Root to Mr. Bryce	Mar. 26	Same subject. Refers to embassy's memorandum of the 15th instant, and incloses copy of department's note to Russian ambassador for information of his Government. Says further correspondence between department and Russian ambassador has been communicated to British minister for foreign affairs by American ambassador at London.	1103
26	Mr. Bacon to Mr. Bryce	Apr. 6	Renunciation of extraterritorial rights in Zanzibar. Acknowledges note of 20th ultimo, quotes portions of treaty between United States and Great Britain and between Great Britain and Germany, and suggests that, inasmuch as the rights of the United States and Germany, extraterritorially, shall cease in Zanzibar when those of other powers have ceased, a date be agreed upon when the rights of the United States and Germany shall cease simultaneously.	571
39	Mr. Sarle to Mr. Wilson	Apr. 21	Same subject. Reports that jurisdiction of German consular court in Zanzibar has been transferred to that of Great Britain as from Mar. 30, and incloses official notice thereof.	573
86	Mr. Howard to Mr. Root	Apr. 22	Same subject. States that German Government has renounced its extraterritorial rights in Zanzibar and hopes United States may see its way to adopt similar course without delay.	573
	Mr. Bryce to Mr. Root	Apr. 25	Same subject. States that on Mar. 18 the German Government notified British ambassador in Berlin of instructions for closing German consular court in Zanzibar, and hopes similar instructions may be issued to United States consular court.	574
48	Mr. Bacon to Mr. Bryce	Apr. 29	Same subject. Acknowledges notes of 22d and 25th and states instructions have been issued to close United States consular court in Zanzibar and jurisdiction transferred to competent British courts.	574
	Mr. Wilson to Mr. Sarle (telegram).	...do	Same subject. "United States has relinquished its extraterritorial jurisdiction in Zanzibar. Close consular court at once. Forward court records to department."	574
41	Mr. Sarle to Mr. Wilson	Apr. 30	Same subject. Acknowledges telegram, same date, and states he accordingly notified British consul-general and diplomatic agent and all foreign representatives that United States has relinquished extraterritorial jurisdiction and that consular court thereof is closed.	575
99	Mr. Bryce to Mr. Root	May 1	Same subject. Acknowledges note of Apr. 29, and expresses thanks of British Government for readiness of United States in compliance with British request.	575
50	Mr. Root to Mr. Bryce	...do	Earthquake in Jamaica. Transmits correspondence from Secretary of the Navy re assistance rendered Jamaican earthquake sufferers.	567
120	Mr. Bryce to Mr. Root	May 25	Application to other countries of administrative provisions of commercial agreement between the United States and Germany. Refers to provisions of American-German commercial agreement, and states that his Government would be glad to receive a note embodying assurance relative to extension of provisions to chambers of commerce of the United Kingdom.	494
	Mr. Root to Mr. Bryce	...do	Fishery rights in the Magdalen Islands—case of the *Alert*. Incloses copy of a telegram from the master of an American fishing vessel off the Magdalen Islands, sets forth the views of the department on question of fisheries on the treaty coast of Newfoundland, and says that the only thing which can save the fisherman with his vessel on the fishing ground is to have some affirmative action and to have it promptly.	533
121	Mr. Bryce to Mr. Root	...do	Same subject. Refers to note of May 25, and says he has transmitted to the acting governor-general of Canada telegram inclosed from master of an American fishing vessel off Magdalen Islands, with request that facts be inquired into and a report made as to course which he may take. Expresses regret for incident, and says he hopes arrangements may soon be reached calculated to prevent recurrence of similar difficulties.	534

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GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
123	Same to same.....	May 30	Same subject. Refers to department's note of May 25, and the embassy's of the following day, and says he is informed by the acting governor-general of Canada that the complaint of the master of the American fishing vessel off Magdalen Islands is being inquired into.	534
	Mr. Root to Mr. Bryce.....	June 8	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Informs him that provisions of German-American commercial agreement are intended to be applicable in principle, and says that while the Government of the United States does not wish to make them a basis of discrimination against any other country, it is quite ready to make them applicable to Great Britain so far as conditions in that country permit if the Government of Great Britain so desires.	494
129	Mr. Howard to Mr. Root....	June 11	Same subject. Acknowledges note of June 8, relative to changes in United States customs-houses, which derive from new German-American commercial agreement, and states that he has acquainted his Government with its contents.	495
80	Mr. Root to Mr. Bryce.....	June 12	Same subject. Refers to his note of June 8, and incloses copy of a letter from the Secretary of the Treasury relative to question of acceptance of certificates issued by foreign chambers of commerce.	495
387	Mr. Reid to Mr. Root.....	June 18	Agreement between Great Britain and Spain for preservation of their territorial status quo in the Mediterranean and on Atlantic coasts of Europe and Africa. Incloses copy of note of British minister for foreign affairs to Spanish ambassador in London relative to rights of Great Britain and Spain in Mediterranean and on the Atlantic coasts of Europe and Africa.	538
142	Mr. Howard to Mr. Root....	June 22	Earthquake in Jamaica. Acknowledges receipt of department's note of May 1, stating no charges lie against Government of Jamaica for stores sent earthquake sufferers, and conveys governor's thanks.	568
141	Mr. Lindsay to Mr. Adee....	June 27	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Refers to previous correspondence, and states that he has received a telegram from the British minister for foreign affairs asking to be informed as to whether it is to be understood that paragraph F of the note annexed to the German-American commercial agreement had reference exclusively to sections 10 and 11 of the customs administrative act.	496
151	Mr. Bryce to Mr. Root.....	July 3	Arrangement by an exchange of notes concerning the administration and lease of certain small islands on the North Bornean coast by the British North Borneo Company. States that the British Government is disposed to acquiesce in proposal set forth in department's note of Dec. 19, 1906, respecting administration of certain islands on the North Bornean coast, sets forth understanding of his Government as to terms of arrangement, and says if the United States adheres to terms of arrangement as described that his note will be considered as sufficient ratification on part of British Government.	547
152	Same to same.....	...do.....	Fishery rights in the Magdalen Islands—case of the *Alert*. Refers to his note No. 123, of May 30, and gives the report of the Dominion government relative to the complaint of the master of the schooner *Alert*, an American fishing vessel off Magdalen Islands.	535
153	Same to same.....	...do.....	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Refers to note of June 8, relative to recognition of British chambers of commerce as competent bodies to issue certificates of value on same terms as are accorded to German chambers of commerce, and incloses copy of letter from the Secretary of the Treasury on subject.	496

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GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
105	Mr. Adee to Mr. Bryce.....	July 5	Same subject. Acknowledges note No. 141, of June 27, and informs him that paragraph F of the diplomatic note attached to German-American commercial treaty, relative to certificates of value issued by German chambers of commerce, is not limited by sections 10 and 11 of customs administrative act, but has general application under law to the ascertainment of market value.	497
158	Mr. Bryce to Mr. Root.....	July 6	Earthquake in Jamaica. Refers to note of May 1, from department and expresses thanks of British Government that no charges lie against government of Jamaica for stores sent earthquake sufferers.	568
	Mr. Bacon to Mr. Howard (telegram).	July 9	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Refers to note of July 3, and informs him that department is advised by the Secretary of the Treasury that in view of facts set forth in embassy's note above referred to, no objection is observed to extension of privilege requested.	498
397	Mr. Reid to Mr. Root.....	...do.....	Requirements for the registration of American medical practitioners in the British possessions in the Far East. Refers to instruction of Jan. 7, and dispatch No. 332, Mar. 2, and incloses copy of foreign office's note, July 5, giving reasons for action of Hongkong board.	556
108	Mr. Bacon to Mr. Bryce.....	July 10	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Acknowledges note of July 3, and incloses copy of letter from the Treasury Department relative to recognition of British chambers of commerce as competent bodies to issue certificates of value on same terms as are accorded to German chambers of commerce.	498
109	Same to same.....	...do	Arrangement by an exchange of notes concerning administration and lease of certain small islands on the North Bornean coast by the British North Borneo Company. Acknowledges No. 151, of July 3, relative to arrangement between the two Governments concerning administration of certain islands on coast of Borneo and states that Government of the United States formally announces its adherence to arrangement, and accepts above referred to note as sufficient ratification on part of Government of Great Britain.	548
168	Mr. Bryce to Mr. Root.....	July 18	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Acknowledges note No. 108, of July 10, expresses recognition of liberal spirit with which the United States Government has acted relative to issuance by British chambers of commerce on same terms as German, and asks for information on certain points connected with exercise of these powers by British chambers of commerce.	499
172	Mr. Bryce to Mr. Bacon.....	July 20	Same subject. Refers to his note of the 3d instant, and recommends to Government of the United States certain British chambers of commerce as qualified for purpose of issuing certificates of value under paragraph F of the note annexed to agreement between the United States and Germany.	499
	Mr. Bacon to Mr. Bryce (telegram).	July 24	Same subject. Acknowledges note of July 18, and gives him information requested relative to certain points connected with exercise of powers of British chambers of commerce relative to issuance of certificates of value.	500
180	Mr. Bryce to Mr. Root.....	...do	Fishery rights in the Magdalena Islands—case of the *Alert*. Refers to note of July 3, relative to case of American schooner *Alert*, and says that in order to prevent friction in further cases of a similar character the Canadian government has instructed their officers not to interfere with any trap set by an American fisherman in waters where his license for such a trap would not be refused to a British subject, and asks that the United States instruct its fishermen to apply for licenses for trap nets, informing them that these will be issued by the Dominion government under same conditions as to British fishermen.	537

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GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
122	Mr. Bacon to Mr. Bryce.....	July 26	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Acknowledges note of July 18, confirms department's telegram of July 24, informs him that certificates of British chambers of commerce will not supersede other documents relative to value required by customs administrative act of the United States, and adds that British board of trade certificates will be accepted as competent evidence by United States appraisers.	500
130	Same to same.....	Aug. 7	Same subject. Informs him that copy of his note No. 172, of Sept. 20, recommending certain British chambers of commerce qualified for purpose of issuing certificates of value under paragraph F of the note annexed to German-American commercial treaty, and states that department has been advised by the Secretary of the Treasury that certificates issued by any of the chambers of commerce named will be recognized by appraising officers on same terms as German certificates.	500
	Same to same.....	Aug. 8	Fishery rights in the Magdalena Islands—case of the *Alert*. Acknowledges note of July 24, and states that the Government of the United States highly appreciates the good disposition shown in the treatment of the matter of the seizure of the schooner *Alert* and the concessions granted to American fishermen.	537
510	Mr. Adee to Mr. Reid.....	Aug. 31	Cruise of the Atlantic Fleet to the Pacific coast. See instruction No. 133, of Aug. 31, 1907, to Argentine.	15
443	Mr. Reid to Mr. Root.....	Sept. 10	Newfoundland fishery question. Refers to previous correspondence on the subject and incloses copies of correspondence between the embassy and the foreign office relative to the modus vivendi for the present fishing season on the treaty coast of Newfoundland.	531
453	Same to same.....	Sept. 24	Convention between Great Britain and Russia concerning the interests of their states in the continent of Asia. Incloses two copies of convention signed Aug. 31, between Great Britain and Russia, containing arrangements of subject of Persia, Afghanistan, and Tibet; also incloses copy of Sir Edward Grey's transmitting note.	549
222	Mr. Bryce to Mr Bacon.....	Oct. 10	Marriage of British subjects with foreigners. Incloses copy of an act of Parliament relative to marriages of British subjects with foreigners, and asks whether Government of the United States is willing to conclude an agreement with the British Government concerning issuance of certificates showing that no impediment to marriage exists according to American law.	538
534	Mr. Bacon to Mr. Reid.....	Oct. 14	Restrictions upon the importation, growth, and use of opium. See instruction No. 134, of Oct. 14, 1907, from Mr. Bacon to Mr. Hill.	169
180	Mr. Root to Mr. Bryce.....	Oct. 29	Marriage of British subjects with foreigners. Acknowledges No. 222, of Oct. 10, and informs him that it seems impossible at this time for the Government of the United States to enter into an agreement with the British Government relative to issuance of marriage certificates to American citizens who propose to marry British subjects showing that no impediment according to American law exists to marriage.	541
	Mr. Root to Mr. Reid.....	Nov. 4	Investigation of affairs in the Kongo. Incloses copy of text of bill for colonial law now under discussion by special committee of the Belgian Parliament, and instructs him to talk informally with Sir Edward Grey on subject and ascertain his views. Comments upon attitude of the United States Government relative to affairs in the Kongo.	812
550	Same to same.....	Nov. 5	Marriage of British subjects with foreigners. Incloses copy of correspondence with British ambassador concerning desire of the British Government to conclude an agreement by which American citizens who propose to marry British subjects might be furnished with certificates showing that no impediment to marriage existed according to American law.	541

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GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Reid to Mr. Root.....	1907. Nov. 19	Investigation of affairs in the Kongo. Acknowledges instruction of Nov. 4. Says that he talked with Sir Edward Grey unofficially on subject of the Kongo, who said that he felt quite sure that English-speaking people would not be content with anything like disposition of case proposed in *projet de loi* referred to, and that he was extremely glad that the United States took an interest in subject and held similar views.	813
	.....	.....	Commercial agreement with Great Britain. Text of.	577
493	Mr. Reid to Mr. Root.....	Nov. 30	Restrictions upon the importation, growth, and use of opium. Refers to instruction No. 534, of Oct. 14, and states that he is in receipt of a note from the foreign office accepting the proposal of the United States, for international opium conference. Says that the British Government would like further information as to proposed procedure of commission, but prefers to leave time and place of meeting to initiative of the United States.	171
	Same to same.....	Dec. 5	Investigation of affairs in the Kongo. Referring to instruction of Nov. 4, and his dispatch of Nov. 19, gives substance of an instruction to the British minister in Belgium, copy of which was shown him by Sir Edward Grey, relative to concerted action with his American colleague on subject of the Kongo.	824

GREECE.

74	Mr. Jackson to Mr. Root....	1906. Dec. 4	Conditions in Crete. Transmits an application from Mr. Philippe C. Dockos, of Canea, Crete, for appointment as honorary American consul in that island, such American interests as now exist there being looked after by British consulate-general. States that since the arrival of Mr. Zaimis, Crete has been relatively quiet.	585
483	Same to same.....	Dec. 15	Same subject. Refers to his No. 474, of Dec. 4, 1906; reports adjournment of Cretan Assembly, Dec. 12, after adopting a constitution and sending a telegram to Greek Chamber of Deputies, containing fraternal salute and expressing hope that "the elect of the nations being united in one assembly," and Greek Chamber passed bill, Dec. 12, authorizing Greek officers to serve in Cretan gendarmerie; also that constitution if acceptable to powers it will be put into effect at once; otherwise assembly will be reconvened to consider powers' objections.	586
133	Mr. Adee to Mr. Jackson....	1907. Jan. 9	Same subject. Acknowledges No. 474, and states department considers no American consulate needed on island of Crete, and appreciates Mr. Dockos's sentiments of esteem and friendship.	586
508	Mr. Jackson to Mr. Root....	Feb. 22	Same subject. Refers to his No. 483, and reports meeting of assembly to receive announcement that constitution had been approved by powers and taking of oath by Mr. Zaimis. Says it is understood that Cretan cabinet will now resign and provisional ministry formed to carry on Government till elections in May. Reports Crete as quiet, gendarmerie doing well under Greek officers, and appointment of three Greek judges to Cretan "Cour d'Appel."	587
509	Same to same.....	Feb. 23	Protection of citizens or subjects of governments that are without diplomatic representatives in Greece. Reports application for his good offices to enable Paul de Frontac de Richelaud to visit Turkey and that he could do nothing officially further than speaking of request to his Turkish colleague. States that he was asked not long since to issue passport to a Mexican lady who wished to enter Turkey, but that he is without instructions as to how to act in such cases.	583
145	Mr. Bacon to Mr. Jackson...	Mar. 8	Requirements in regard to the practice of dentistry. Incloses copy of letter from J. T. Gore, D. D. S., of Philadelphia, re information relative to practice of dentistry in Greece by foreigners.	584

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GREECE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
146	Same to same.....	Mar. 13	Protection of citizens or subjects of governments that are without diplomatic representatives in Greece. Acknowledges No. 509, of 23d ultimo, and refers to foreign relations, 1871 and 1872, for protection of Swiss citizens, and 1894 and 1896, for protection of Chinese.	583
518	Mr. Jackson to Mr. Root.....	Mar. 28	Requirements in regard to the practice of dentistry. States that his dentist, an Englishman, holder of a British diploma, informs him that foreigners desiring to practice dentistry in Greece must undergo examination, conducted in French, and pay certain fees, and that foreign medical diplomas are not generally accepted in Greece.	584
583	Same to same.....	Sept. 23	Extradition treaties of Greece with France and Germany. Refers to previous correspondence and transmits copies of Greek Official Gazette, containing texts of extradition treaties negotiated by Greece with France and Germany.	585

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CORRESPONDENCE.

CIRCULARS.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

File No. 3767/5.

The Secretary of State to Ambassador Francis.

DEPARTMENT OF STATE,
Washington, January 30, 1907.

SIR: Referring to Austria-Hungary's participation in the international marine conference held at Washington in 1889, to the regulations for preventing collisions at sea formulated by that conference, and to the act of Congress, approved August 19, 1890, adopting the regulations so formulated, I inclose herewith for the information of the Government of Austria-Hungary a copy of an act of Congress, approved January 19, 1907, which is to take effect on January 1, 1908, and which amends the act of August 19, 1890, in certain particulars.

I am, etc.,

E. ROOT.

(Same mutatis mutandis to: Belgium, Chile, China, Denmark, France, Germany, Great Britain, Italy, Japan, Mexico, the Netherlands, Norway, Russia, Siam, Spain, Sweden, Venezuela.)

[Inclosure.]

[PUBLIC—No. 20.]

AN ACT To amend the act approved August nineteenth, eighteen hundred and ninety, entitled "An act to adopt regulations for preventing collisions at sea."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act approved August nineteenth, eighteen hundred and ninety, entitled "An act to adopt regulations for preventing collisions at sea," be, and hereby is, amended by inserting therein the following:

"ARTICLE 9. Fishing vessels and fishing boats, when under way and when not required by this article to carry or show the lights hereinafter specified, shall carry or show the lights prescribed for vessels of their tonnage under way.

"(a) Open boats, by which is to be understood boats not protected from the entry of sea water by means of a continuous deck, when engaged in any fishing

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at night, with outlying tackle extending not more than one hundred and fifty feet horizontally from the boat into the seaway, shall carry one all-round white light.

"Open boats, when fishing at night, with outlying tackle extending more than one hundred and fifty feet horizontally from the boat into the seaway, shall carry one all-round white light, and in addition, on approaching or being approached by other vessels, shall show a second white light at least three feet below the first light and at a horizontal distance of at least five feet away from it in the direction in which the outlying tackle is attached.

"(b) Vessels and boats, except open boats as defined in subdivision (a), when fishing with drift nets, shall, so long as the nets are wholly or partly in the water, carry two white lights where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than six feet and not more than fifteen feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than five feet and not more than ten feet. The lower of these two lights shall be in the direction of the nets, and both of them shall be of such a character as to show all around the horizon, and to be visible at a distance of not less than three miles.

"Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the net or gear) a white light, visible at a distance of not less than one sea mile, on the approach of or to other vessels.

"(c) Vessels and boats, except open boats as defined in subdivision (a), when line fishing with their lines out and attached to or hauling their lines, and when not at anchor or stationary within the meaning of subdivision (h), shall carry the same lights as vessels fishing with drift nets. When shooting lines, or fishing with towing lines, they shall carry the lights prescribed for a steam or sailing vessel under way, respectively.

"Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the lines) a white light, visible at a distance of not less than one sea mile on the approach of or to other vessels.

"(d) Vessels when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea—

"First. If steam vessels, shall carry in the same position as the white light mentioned in article two (a) a tri-colored lantern so constructed and fixed as to show a white light from right ahead to two points on each bow, and a green light and a red light over an arc of the horizon from two points on each bow to two points abaft the beam on the starboard and port sides, respectively; and not less than six nor more than twelve feet below the tri-colored lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon.

"Second. If sailing vessels, shall carry a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also, on the approach of or to other vessels, show where it can best be seen a white flare-up light or torch in sufficient time to prevent collision.

"All lights mentioned in subdivision (d) first and second shall be visible at a distance of at least two miles.

"(e) Oyster dredgers and other vessels fishing with dredge nets shall carry and show the same lights as trawlers.

"(f) Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show, and they may also use working lights.

"(g) Every fishing vessel and every fishing boat under one hundred and fifty feet in length, when at anchor, shall exhibit a white light visible all around the horizon at a distance of at least one mile.

"Every fishing vessel of one hundred and fifty feet in length or upward, when at anchor, shall exhibit a white light visible all around the horizon at a distance of at least one mile, and shall exhibit a second light as provided for vessels of such length by article eleven.

"Should any such vessel, whether under one hundred and fifty feet in length or of one hundred and fifty feet in length or upward, be attached to a net or other fishing gear, she shall on the approach of other vessels show an additional

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white light at least three feet below the anchor light, and at a horizontal distance of at least five feet away from it in the direction of the net or gear.

"(h) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall in daytime haul down the day signal required by subdivision (k); at night show the light or lights prescribed for a vessel at anchor; and during fog, mist, falling snow, or heavy rain storms make the signal prescribed for a vessel at anchor. (See subdivision (d) and the last paragraph of article fifteen.)

"(i) In fog, mist, falling snow, or heavy rain storms drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag net, and vessels line fishing with their lines out, shall, if of twenty tons gross tonnage or upward, respectively, at intervals of not more than one minute make a blast; if steam vessels, with the whistle or siren; and if sailing vessels, with the foghorn, each blast to be followed by ringing the bell. Fishing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals; but if they do not, they shall make some other efficient sound signal at intervals of not more than one minute.

"(k) All vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels, show the same signal on the side on which those vessels can pass.

"The vessels required by this article to carry or show the lights hereinbefore specified shall not be obliged to carry the lights prescribed by article four (a) and the last paragraph of article eleven."

SEC. 2. That article ten of the act approved March third, eighteen hundred and eighty-five, entitled "An act to adopt the revised international regulations for preventing collisions at sea," and the act approved August thirtieth, eighteen hundred and ninety-four, entitled "An act relating to lights on fishing vessels," are hereby repealed.

SEC. 3. That this act shall take effect on the first day of January, nineteen hundred and eight.

Approved, January 19, 1907.

EXPATRIATION.

File No. 1271.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

To the diplomatic and consular officers of the United States.

GENTLEMEN: Paragraph 144 of the Diplomatic Instructions and Consular Regulations, as amended by executive order of April 6, 1907, reads as follows:

144. *Expatriation.*—An American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state. When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state, it shall be presumed that he has ceased to be an American citizen, and his place of general abode shall be deemed his place of residence during the said years: *Provided*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe.

An American citizen shall not be allowed to expatriate himself when this country is at war. (Act of Mar. 2, 1907, sec. 2.)

The text of the law is appended for your information.

Whenever it comes to the knowledge of a diplomatic or consular officer that an American citizen has secured naturalization in a foreign state in conformity with its laws, or has taken an oath of allegiance to a foreign state, such diplomatic or consular officer

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should certify to the facts under his seal and should transmit the certification to this department. If the citizen who has thus acquired foreign naturalization was a naturalized citizen of the United States, the fact should be stated in the certification and the certificate of American naturalization should, if possible, be taken up and forwarded to the department with the certification. The form of the certification shall be as follows:

I, A. B. (name and rank of certifying officer), hereby certify that C. B., a citizen of the United States by birth (or naturalization), has secured naturalization as a citizen of ------, the proof of such naturalization being as follows:

(If he was a citizen of the United States by naturalization, a statement of the date and place of his naturalization in the United States should follow.)

In testimony whereof I have hereunto signed my name and affixed my seal of office.

[L. S.] ----------.

When a naturalized citizen of the United States has resided for two years in the country of his origin, or for five years in any other country, this fact creates a presumption that he has ceased to be an American citizen, but the presumption may be overcome by his presenting to a diplomatic or consular officer proof establishing the following facts:

(*a*) That his residence abroad is solely as a representative of American trade and commerce, and that he intends eventually to return to the United States permanently to reside; or,

(*b*) That his residence abroad is in good faith for reasons of health or for education, and that he intends eventually to return to the United States to reside; or,

(*c*) That some unforeseen and controlling exigency beyond his power to foresee has prevented his carrying out a bona fide intention to return to the United States within the time limited by law, and that it is his intention to return and reside in the United States immediately upon the removal of the preventing cause.

The evidence required to overcome the presumption must be of the specific facts and circumstances which bring the alleged citizen under one of the foregoing heads, and mere assertions, even under oath, that any of the enumerated reasons exist will not be accepted as sufficient.

Whenever evidence shall be produced to overcome the presumption of expatriation from residence abroad, as indicated in this instruction, the affidavit or affidavits must be made in duplicate, one copy thereof being sent forthwith to this department, and if the affidavits or other evidence have been presented to a consular officer he shall notify the embassy or legation in the country in which he is resident of the name of the person and of the facts concerning his residence abroad.

So much of this instruction as relates to residence abroad is not applicable to natural-born citizens of the United States. Their status, so far as their right to the protection of this Government is concerned, is governed by existing instructions of this department and especially by so much of the circular instruction of March 27, 1899, as applies to them, which is appended to this instruction for your information.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

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[Inclosure 1.]

Text of the law.

Section 2, act of March 2, 1907:

"SEC. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

"When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any foreign state, it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war."

[Inclosure 2.]

Circular of March 27, 1899.

PASSPORTS FOR PERSONS RESIDING OR SOJOURNING ABROAD.

[Extract.]

DEPARTMENT OF STATE,
Washington, March 27, 1899.

To the diplomatic and consular officers of the United States.

GENTLEMEN: A condition precedent to the granting of a passport is, under the law and the rules prescribed by authority of the law, that the citizenship of the applicant and his domicile in the United States and intention to return to it with the purpose of residing and performing the duties of citizenship shall be satisfactorily established. One who has expatriated himself can not, therefore, receive a passport.

Expatriation has been defined by Mr. Hamilton Fish as "the quitting of one's country, with an abandonment of allegiance and with the view of becoming permanently a resident and citizen of some other country, resulting in the loss of the party's preexisting character of citizenship." Thus a person "may reside abroad for purposes of health, of education, of amusement, of business, for an indefinite period; he may acquire a commercial or civil domicile there, but if he do so sincerely and bona fide animo revertendi, and do nothing inconsistent with his preexisting allegiance, he will not thereby have taken any step toward self-expatriation. But if, instead of this, he permanently withdraws himself and his property and places both where neither can be made to contribute to the national necessities, acquires a political domicile, and avows his purpose not to return, he has placed himself in the position where his country has the right to presume that he has made his election of expatriation."

But even where expatriation may not be established, a person who is permanently resident and domiciled outside of the United States can not receive a passport. "When a person who has attained his majority removes to another country and settles himself there, he is stamped with the national character of his new domicile; and this is so, notwithstanding he may entertain a floating intention of returning to his original residence or citizenship at some future period, and the presumption of law with respect to residence in a foreign country, especially if it be protracted, is that the party is there animo manendi, and it lies upon him to explain it." (Mr. Fish to the President, For. Rels., 1873, 1186, et seq.) If, in making application for a passport, he swears that he intends to return to the United States within a given period and afterwards, in applying for a renewal of his passport, it appears that he did not fulfill his intention, this circumstance awakens a doubt as to his real purpose, which he must dispel. (For. Rels., 1890, 11.)

The treatment of the individual cases as they arise must depend largely upon attendant circumstances. When an applicant has completely severed his relations with the United States; has neither kindred nor property here; has

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married and established a home in a foreign land; has engaged in business or professional pursuits wholly in foreign countries; has so shaped his plans as to make it impossible or improbable that they will ever include a domicile in this country—these and similar circumstances should exercise an adverse influence in determining the question whether or not a passport should issue. On the other hand, a favorable conclusion may be influenced by the fact that family and property connections with the United States have been kept up; that reasons of health render travel and return impossible or inexpedient; and that pecuniary exigencies interfere with the desire to return. But the circumstance which is perhaps the most favorable of all is that the applicant is residing abroad in representation and extension of legitimate American enterprises.

I am, gentlemen, your obedient servant,

JOHN HAY.

REGISTRATION OF AMERICAN CITIZENS.

File No. 1271.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

To the diplomatic and consular officers of the United States.

GENTLEMEN: Paragraph 172 of the Consular Regulations as amended by the executive order of April 8, 1907, reads as follows:

172. *Registration of American citizens.*—Principal consular officers should keep at their offices a register of all American citizens residing in their several districts, and will therefore make it known that such a register is kept and invite all resident Americans to cause their names to be entered therein. The same general principles govern applications for registry which govern applications for passports. (Paragraph 151.)

The register should show the date of registration, the full name of the person registered, the date and place of his birth, the place of his last domicile in the United States, the date of his arrival in the foreign country where he is residing and his place of residence therein, the reasons for his foreign residence, whether or not he is married, and if married, the name of his wife, her place of birth and residence; and if he has children, the name, date, and place of birth, and residence of each. The nature of the proof accepted to establish his citizenship should also appear, and his signature should be inscribed in the register.

Consuls may issue certificates of the registration prescribed above for use with the authorities of the place where the person registered is residing. Each certificate shall set forth the facts contained in the register and shall be good for use for one year only and shall be in a form prescribed by the Secretary of State (Form No ——). When a certificate expires a new one may be issued, the old one being destroyed, if it is clearly shown that the residence abroad has not assumed a permanent character. Persons who hold passports which have not expired shall not be furnished with certificates of registration, and it is strictly forbidden to furnish them to be used for traveling in the place of passports. Returns of all registrations made and of all certificates of registration issued shall be made to the embassy or legation in the country in which the consulate is situated and to the Secretary of State at intervals and under regulations to be prescribed by him. No fee will be charged for registration nor for any service connected therewith; nor for certificates of registration.

This paragraph shall go into effect July 1, 1907.

Books for registration are being prepared and will be furnished to consuls as soon as possible. In the meantime, after July 1, consuls will register American citizens, following carefully the requirements of the paragraph quoted above, and will carefully preserve the registrations and enter them in the register of American citizens as soon as the books for that purpose shall have been received.

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The certificate of registration shall be in the following form:

I, _____, consul of the United States of America at
(Name of consul.)
_____, hereby certify that _____ is registered
(Name of place.) (Name of person registered.)
as an American citizen in this consulate. He was born _____ at
(Date of birth.)
_____, and is a citizen of the United States by (birth or natural-
(Place of birth.)
ization). He arrived in _____ on _____, where he
(Place of foreign residence.) (Date.)
is now residing for the purpose of _____. He
(Reason why residing in foreign place.)
is married to _____, who was born in _____, and
(Name of wife.) (Place of birth of wife.)
resides at _____. He has the following children:
(Place of wife's residence.)
_____, born in _____, on _____, and
(Name of child.) (Place of birth.) (Date of birth.)
residing at _____; and _____, born in
(Place of residence.) (Name of child.)
_____, on _____, and residing at _____;
(Place of birth.) (Date of birth.) (Place of residence.)
and _____, born in _____, on _____, and
(Name of child.) (Place of birth.) (Date of birth.)
residing at _____; _____
(Place of residence.)
_____

_____

His citizenship of the United States is established by _____
_____.
(Nature of proof of citizenship produced.)

This certificate is not a passport and its validity expires on _____.
(Date of expiration.)

The following is the signature of _____.
(Person registered.)

In testimony whereof I have hereunto signed my name and affixed the seal of this consulate.

[L. S.] _____,
American Consul.

Immediately upon the registration of an American citizen the fact of such registration should be certified to the embassy or legation in the country in which the consulate is situated, and a duplicate of the registration should be forthwith sent to this department, together with a statement whether a certificate of registration has been issued.

When a certificate of registration shall have expired and a new one has been issued notice of this fact should be sent immediately to the embassy or legation in the country in which the consulate is situated, and to this department.

American citizens resident abroad are required to register each year, and any additional facts concerning residence, marriage, and children should be noted in the register, but the full registration having been made once need not be repeated on each subsequent registration.

The department expects consuls to observe this requirement with great care, and if they are uncertain concerning any of their duties in relation thereto they should ask for instructions from the department.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

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REPORTS OF FRAUDULENT NATURALIZATION.

File No. 1271.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

To the diplomatic and consular officers of the United States.

GENTLEMEN: Under the provisions of the executive order of April 6, 1907, the following paragraph is added to the Diplomatic Instructions and Consular Regulations after paragraph 170:

Reports of fraudulent naturalization.—When any alien who has secured naturalization of the United States shall proceed abroad within five years after his naturalization and shall take up his permanent residence in any foreign country within five years after the date of his naturalization, it shall be deemed prima facie evidence that he did not intend in good faith to become a citizen of the United States when he applied for naturalization, and in the absence of countervailing evidence it shall be sufficient in the proper proceedings to authorize the cancellation of his certificate of citizenship as fraudulent. Diplomatic and consular officers shall furnish the Department of State, to be transmitted to the Department of Justice, the names of those within their jurisdictions, respectively, who are subject to the provisions of this requirement, and such statements from diplomatic and consular officers shall be certified to by such officers under their official seals, and are under the law admissible in evidence in all courts to cancel certificates of naturalization. (Act of June 29, 1906, sec. 15.)

The text of the law upon which this paragraph is based is appended to this instruction.

You are instructed, accordingly, that whenever a naturalized citizen goes abroad and takes up a permanent residence in a foreign country within five years after his naturalization, it may be assumed that his naturalization was not obtained in good faith, and upon certification by a diplomatic or consular officer of the fact of the foreign residence proceedings may be taken through the Department of Justice to set aside the naturalization on the ground that it was obtained in contravention of the naturalization laws.

Diplomatic and consular officers making such certification must, therefore, state: First, that the person is a permanent resident in a foreign country; and, second, that the permanent residence was taken up within five years after naturalization was conferred, and must certify not only to the facts, but to their means of knowledge.

No specified form of certification is prescribed, as the circumstances surrounding each case vary materially. It is not necessary that the residence shall have been acquired during the incumbency of the certifying officer, but he may, if he is in possession of sufficient evidence, certify to a residence which was acquired prior to his having had opportunity to have personal knowledge on the subject.

Certifications under this instruction should be sent forthwith to this department, together with the certificate of naturalization of the person in interest; and, pending instructions from the department, such person's citizenship shall be considered as awaiting adjudication, and he may be refused a passport or registration as a citizen of the United States. In the event of actual interposition being required in his behalf with the authorities of a foreign country, the facts should, if possible, be telegraphed to the department and its instructions awaited, and the foreign authorities should be requested to suspend any proceedings against the person in interest until instructions from this Government shall have been received.

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When a certification under this instruction is made by a consul he should, at the same time that he sends the certification to this department, notify the embassy or legation in the country in which his consulate is situated.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

[Inclosure.]

Text of the law.

Section 15, act of June 29, 1906, reads as follows:

* * * * * * *

"If any alien who shall have secured a certificate under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

* * * * * * *

"The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws."

* * * * * * *

CHILDREN OF CITIZENS BORN ABROAD.

File No. 1271.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

To the diplomatic and consular officers of the United States.

GENTLEMEN: Paragraph 138 of the Instructions to Diplomatic Officers and of the Consular Regulations, as amended by the executive order of April 6, 1907, reads as follows:

138. *Children of citizens born abroad.*—All children born out of the limits and jurisdiction of the United States whose fathers were at the time of their birth citizens thereof are citizens of the United States; but the rights of citizenship do not descend to children whose fathers never resided in the United States. All children who are, in accordance with this paragraph, born citizens of the United States, and who continue to reside outside of the United States, are required, in order to receive the protection of this Government, upon reaching the age of 18 years to record at an American consulate their intention to become residents and remain citizens, and upon reaching their majority are further required to take the oath of allegiance to the United States. (R. S., sec. 1993; act of Mar. 6, 1907, sec. 6.)

Appended is the text of section 1993 of the Revised Statutes and of section 6 of the act of March 2, 1907.

You are instructed that children born abroad whose parents were American citizens at the time of their birth should report to a convenient American consul upon reaching the age of 18 years and

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before they have reached the age of 19 years and make a solemn declaration in the following form:

I, A. B., born in _____ on _____ of parents who were at the time of my birth American citizens, do solemnly declare that it is my intention and desire to remain a citizen of the United States and to become a resident thereof. My father acquired citizenship through birth (or naturalization) _____ (if by birth state where the father was born; if by naturalization state when and where he was naturalized, as shown by record evidence of such naturalization).

This statement should be made in triplicate, one copy being sent forthwith to the embassy or legation in the country in which the consulate is situated, one to the department, and one to be retained and filed in the consulate.

Upon reaching the age of 21 years and before they have reached the age of 22 years, such children are required to take before a convenient consul the following oath (or affirmation):

I, A. B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God.

This oath or affirmation should be made in triplicate, one copy being sent forthwith to the embassy or legation in the country in which the consulate is situated, one to the department, and one to be retained and filed in the consulate.

Diplomatic and consular officers are instructed to make every effort necessary to bring the requirements of the law to which this instruction relates to the attention of those whom it will affect.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

[Inclosure.]

Text of the laws.

Section 1993, Revised Statutes of the United States:

"All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States."

Section 6 of the act of March 2, 1907:

"That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority."

REGISTRATION OF WOMEN WHO DESIRE TO RESUME OR RETAIN AMERICAN CITIZENSHIP.

File No. 1271.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

To the diplomatic and consular officers of the United States.

GENTLEMEN: The executive order of April 6, 1907, prescribes the following diplomatic instruction and consular regulation:

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Registration to resume or retain citizenship.—When an American woman has married a foreigner and he dies or they are absolutely divorced, in order to resume her rights as an American citizen she must register with an American consulate within one year after the termination of the marital relation. Whenever any foreign woman has acquired American citizenship through her marriage, upon the death of her husband or upon their absolute divorce she must, if she is abroad and desires to retain her American citizenship, register as an American citizen before a United States consul within one year after the termination of the marital relation. All minor children born of American parents outside of the United States must, in order to receive the protection of this Government, at the age of 18 years record at an American consulate their intention to become residents and remain citizens of the United States. (Act of Mar. 2, 1907, secs. 3, 4, and 6.)

The last sentence of this paragraph relating to registration of minor children is the subject of the instruction of April 19, 1907, entitled "Children of citizens born abroad," and is not dealt with here.

The text of the law is appended for your information.

A woman who was an American before her marriage to a foreigner, and who, upon the termination of the marital relation by the death of her husband or by their absolute divorce, desires to resume the American citizenship which she enjoyed before her marriage, must, within one year after the termination of the marital relation, register with an American consular officer her intention to resume her American citizenship. The form of such registration shall be as follows:

I, _____, do solemnly swear (or affirm) that I was born
(Name of affiant.)
on _____, in _____, and was, up to the time of my marriage
(Date of birth.) (Place of birth.)
on _____ to _____, a citizen of the United States;
(Date of marriage.) (Name of late husband.)
that the said _____ was born in _____, and was, at the
(Name of husband.) (Place of his birth.)
time of his death (or our divorce), a citizen (or subject) of _____;
(Name of country.)
that the said _____ died (or we were divorced) on _____
(Name of late husband.) (Date of death or divorce.)
at _____; that I am now temporarily resident in _____
(Place of death or divorce.) (Place of residence.)
and desire to resume my American citizenship; that it is my intention to return to the United States within _____ with the intention
(Limit of intended foreign residence.)
of residing and performing the duties of an American citizen.

_____

Sworn and subscribed to before me this _____ day of _____

[L. S.] _____,
American Consul.

I, _____, American consul at _____, certify that
(Name of consul.) (Place of consulate.)
_____, who signed the above affidavit, is the person she represents
(Name of affiant.)
herself to be and that the proof presented of her marriage to _____
(Name of late husband.)
and of the termination of her marital relation with _____ is as
(Name of late husband.)
follows:

_____
(State here nature of proof presented.)

_____

_____

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In testimony whereof I have hereunto signed my name and affixed my seal of office.

_____,
American Consul.

Documentary evidence in support of the allegations relative to the termination of the marital relation should be required in each case, and the nature of such documentary proof should be set forth in the consul's certificate. In the case of a woman having been a native citizen of the United States before her marriage, documentary proof of such citizenship need not be required unless the consul entertains doubts as to the statements made to him, in which case he should require a certificate of birth or the affidavit of a credible witness personally known to him.

In the case of a woman having been a naturalized citizen of the United States previous to her marriage, proof of the naturalization, such as would be required if she applied for a passport, should be required. The affidavit and the consul's certificate should be made in duplicate, and one copy should be sent to this department immediately afterwards and the embassy or legation in the country in which the consulate is situated should be at the same time advised of the making of the affidavit and of the report to the department.

A foreign woman who has acquired American citizenship by marriage to an American citizen and who, upon the termination of the marital relation by the death of her husband or by their absolute divorce, desires to retain the American citizenship which she acquired through her marriage, must, within one year after the termination of the marital relation, register with an American consular officer her intention to retain her American citizenship.

The form of such registration shall be as follows:

I, _____ (Name of affiant.), do solemnly swear (or affirm) that I was born on _____ (Date of birth.) in _____ (Place of birth.), and was, up to the time of my marriage on _____ (Date of marriage.) to _____ (Name of late husband.), a citizen (or subject) of _____ (Name of country.); that the said _____ (Name of late husband.) was born in _____ (Place of birth.) and was, at the time of his death (or our divorce), a citizen of the United States by _____ (Birth or naturalization.); that the said _____ (Name of husband.) died (or we were divorced) on _____ (Date of death or divorce.) at _____ (Place of death or divorce.); that I am now temporarily residing in _____ (Place of residence.) and desire to retain my American citizenship; that it is my intention to go to the United States within _____ (Length of intended foreign residence.) with the intention of residing and performing the duties of an American citizen.

_____

Sworn and subscribed to before me this _____ day of _____.

_____,
American Consul.

The consul's certificate to this affidavit should be the same as in the case of an American woman married to a foreigner who desires to resume her American citizenship, and documentary evidence of the allegations relative to the termination of the marital relation should be required, as in the case of an American woman married to a foreigner who desires to resume her American citizenship. Also docu-

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mentary proof of the husband's citizenship should be required. The affidavit and the consul's certificate should be made in duplicate and reported, as in the case of an American woman who desires to resume her citizenship.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

[Inclosure.]

Text of the law.

Sections 3 and 4 of the act approved March 2, 1907, read as follows:

"SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

"SEC. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or, if she resides abroad, she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation."

ISSUANCE OF PASSPORTS.

File No. 1271.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

To the diplomatic and consular officers of the United States.

GENTLEMEN: Paragraphs 150, 151, 152, and 163 of the Diplomatic Instructions and Consular Regulations as amended by the executive order of April 6, 1907, read as follows:

150. *When passports may be issued.*—Passports can not be issued by diplomatic or consular officers if the applicant has time to apply to the Department of State and await its reply. Where inconvenience or hardship would result to a person entitled to receive a passport unless he received it at once, a diplomatic officer, or a consular officer who shall have received authority to do so from the Secretary of State, may issue to such person an emergency passport, good for a period not to exceed six months from the date of issuance, and to be used for a purpose which shall be stated in the passport.

This paragraph shall become effective July 1, 1907.

151. *Applications.*—Persons entitled to receive passports who desire to secure them when they are abroad may make applications therefor to the Department of State through a diplomatic or consular officer. Native citizens thus applying must make an affidavit with respect to birth, take the oath of allegiance, and furnish identification by a creditable person, all in duplicate and according to Form No. —. Naturalized citizens must comply with the same requirements, using Form No. —, and, if claiming citizenship through naturalization of husband or parent, using Form No. —. A naturalized citizen must also exhibit his certificate of naturalization, or that of the husband or parent through whom citizenship is claimed, or a duly certified copy of the court record thereof. Further evidence of the applicant's citizenship may be required, if deemed necessary. A loyal resident of an insular possession of the United States, in addition to the information now required in the case of a citizen of the United States, must state that he owes allegiance to the United States and does not acknowledge allegiance to any other government, and must submit an affidavit from at

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least two credible witnesses having good means of knowledge in substantiation of his statements of birth, residence, and loyalty. The identity of an applicant for a passport should always be established when the application is taken.

This paragraph shall become effective July 1, 1907.

152. *Expiration of passports.*—A passport issued by the department is good for a period of two years, when it expires; but it may be renewed for a further period of two years by a diplomatic officer, or by a consular officer who has received authority for the purpose from the Secretary of State. It is permissible to renew passports only once.

This paragraph shall become effective July 1, 1907.

163. *Return of passports.*—As soon as an emergency passport is issued by a diplomatic or consular officer he shall transmit to the Department of State a duplicate of the application and a statement of the proof accepted by him for the issuance of the passport and of the reason why the issuance of the passport was necessary. Whenever an application for a passport is made to the Department of State through a diplomatic or consular officer he shall transmit a duplicate of the application and of the accompanying proof of the right to receive a passport to the Department of State, but he need not, unless otherwise instructed, transmit a certificate of naturalization.

This paragraph shall become effective July 1, 1907.

Consuls at the following places shall have the right to issue emergency passports:

Adis Ababa, Abyssinia; Barbados; Calcutta; Colombo, Ceylon; Curaçao, West Indies; Nassau, New Providence; St. Michaels, Azores; Seoul, Korea; Sierra Leone; Singapore; Tahiti; Tamatave.

A consul in a country where there is diplomatic representation of the United States may issue emergency passports during the temporary absence of the diplomatic representative.

Emergency passports may be issued only when it is clearly shown that the person applying for the passport is about to proceed to a country to obtain admission into which a passport is obligatory. They may be issued for use with the local authorities only in case such authorities will not accept as evidence of a right to recognition as an American citizen the certificate of registration provided for in paragraph 172 of the Consular Regulations, as prescribed in the executive order of April 8, 1907. Emergency passports shall be in the form now used for regular passports, except that there shall be inserted therein the following statement:

Emergency passport.—This passport is issued to _____, in order that he may proceed to _____.

(If the passport is issued for other purposes than travel, the fact should be stated.)

Diplomatic officers and all consular officers may take applications for the issuance of passports to American citizens by this department, following the rules now in force on the subject of the issuance of passports, and shall forward each application to the department, with the evidence of the right to secure the passport. In the case of an application by a naturalized citizen who presents his certificate of naturalization, this document need not be forwarded to this department, being the property of the applicant; but the application should set forth the name of the court in which the applicant was naturalized and the date and place of such naturalization.

Diplomatic and principal consular officers are authorized to extend for a period of two years passports issued by this department which are about to expire and presented to them for extension. Such extension should be made by marking conspicuously across the passport the following words:

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Extended under the authority of the Secretary of State for two years, and not valid after _____
(Date of expiration.)

this being signed and dated by the diplomatic or consular officer and his seal affixed. A passport which has been thus extended is not valid after the date to which it was extended. A passport which has expired can not be extended, and no passport can be extended more than once. Emergency passports can not be extended.

Immediately upon thus extending a passport the diplomatic or consular officer should notify the department of the name of the holder of the passport, its number and date, and the reason why the extension was asked.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

CRUISE OF THE ATLANTIC FLEET TO THE PACIFIC COAST.

File No. 8258.

The Acting Secretary of State to Minister Beaupré.

No. 133.] DEPARTMENT OF STATE,
Washington, August 31, 1907.

SIR: I inclose herewith copy of a letter from the Navy Department giving the itinerary of a fleet of battle ships and a torpedo flotilla which will sail in December from the North Atlantic to the Pacific coast of the United States.

You are requested to bring to the notice of the foreign office such portions of this communication as pertain to Argentine territory.

I am, etc.,

ALVEY A. ADEE.

(Same, mutatis mutandis, to Brazil, No. 25; Chile, No. 72; Great Britain, No. 510; Mexico, No. 302; Panama, No. 55; Peru, No. 19.)

[Inclosure.]

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, August 28, 1907.

SIR: I have the honor to inform you that by direction of the President 16 battle ships of the Atlantic Fleet will leave the United States in the early part of December, bound for San Francisco. They expect to coal from colliers at the island of Trinidad, on or about December 22; Rio de Janeiro, on or about January 10, 1908; Punta Arenas, on or about January 31, 1908; Callao, Peru, on or about February 16, 1908; and Magdalena Bay, on or about March 8.

It is expected that liberty will be granted in Rio de Janeiro and Callao, concerning which the commander in chief, Admiral Evans, will confer with the port authorities upon his arrival.

The torpedo flotilla, consisting of the auxiliary *Arethusa* and six destroyers, will probably touch at Culebra, Trinidad, Para, Pernambuco, Rio de Janeiro, Buenos Aires, Punta Arenas, Talcahuana, Callao, Panama, Acapulco, Magdalena, and San Francisco, but the dates upon which they will arrive can not be fixed, owing to the fact that they are subject to the conditions of the weather which may from time to time prevail.

I have, etc.,

TRUMAN H. NEWBERRY.

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ARGENTINE REPUBLIC.

REVOLUTIONARY DISTURBANCES.

File No. 4478.

Minister Beaupré to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, February 8, 1907.

(Mr. Beaupré states that very early yesterday morning a revolution took place in the city of San Juan, capital of the province of the same name. The revolutionists expelled the provincial government and established provisional government; took the government house, police station, and prison. Mr. Beaupré also states that the Federal Government intervened and, pending the decision of the arbiter, has taken control without opposition from the revolutionists.)

File No. 4478/1.

Minister Beaupré to the Secretary of State.

No. 489.] AMERICAN LEGATION,
Buenos Aires, February 8, 1907.

SIR: I have the honor herewith to confirm my telegram of to-day's date, which should read as follows. (Supra.):

At about 3 o'clock of the morning of the 7th instant the revolutionists, headed by Col. Carlos D. Sarimento, of the regular army, attacked the principal government buildings of the town, the government house, police station, normal school, and prison, in which the government party, warned by rumors of the subversive movement, had fortined themselves. The normal school was burned to the ground and the police station was taken. At about 8 a. m. the govehnor (Señor Godoy) and his party surrendered and the revolutionists took possession of the government house and prison. In an act signed by the leaders of the revolution the liberty and safety of the government party was guaranteed; this act reads as follows in translation:

SAN JUAN, *February 7, 1907.*

After four hours of combat between the revolutionary forces and those of the government of the province, and in the desire of avoiding the continuance of the shedding of blood and not having the means for the curing of the

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wounded, the government forces turn over to the revolutionary junta the police stations and the guard of the prison with their respective armaments.

The governor, his ministers, the intendent of police, employees, and all the citizens that have accompanied him in his defense retire in full enjoyment of their liberty and guarantee of their lives, which the revolutionary junta assures to them on parole of honor.

The revolutionists were thus in entire control and proceeded at once in exercise of the functions of government usurped to appoint officers of a provisional government, such as chief of police, chief of the prison guard, etc.

The casualties of the revolution are 12 killed and 25 wounded.

News of the overthrow of the government of the province of San Juan having reached the capital, Dr. Benito Villaneuva, provisional president of the senate, in exercise of the executive power (as reported in my No. 488 of the 7th instant), called a meeting of the cabinet at 10.30 a. m. After nearly three hours of deliberation it was decided that the federal government should exercise the authority accorded to it in articles 5 and 6 of the national constitution and intervene. Accordingly, a decree to that effect was issued, which reads as follows in translation:

BUENOS AIRES, *February 7, 1907.*

In view of the events that have to-day occurred in the province of San Juan and in accordance with the provisions of articles 5 and 6 of the national constitution, the provisional president of the senate, in exercise of the executive power, in general cabinet meeting, decrees:

ARTICLE I. Intervention in the province of San Juan is declared.

ART. II. Lieut. Col. Ramón Gonzáles, chief of the Fourth Battalion of Infantry, is appointed provisional chief of police of the intervention.

ART. III. Until the interventor that is to be appointed shall proceed to the province, the minister of the interior shall give to said chief of police the necessary instructions.

ART. IV. The present decree shall be reported to Congress at its next session. Let it be communicated, etc.

At 3 p. m. of the same day Colonel González reported by telegraph that he had taken charge as chief of police and that the city was quiet and 100 soldiers of the Second Regiment of Cavalry of the regular army were transferred to San Juan and put at his disposal by the minister of war.

It was decided to appoint interventor Dr. Cornelio Gacitúa, justice of the supreme court, and this was done by another executive decree on the evening of the same day after communicating with him by telegraph at Cordoba.

As to the occasion of this movement La Nacion of to-day says, in its report of the affairs:

These events have been preparing for many months. The government of Señor Godoy has for two years administered the province according to the methods that so many times have brought upon the oligarchies of the interior the condemnatory judgment of public opinion. Without respect for the letter or the spirit of the law, the overthrown administration systematically excluded from the government popular representation, made access to the polls impossible, falsified the character of the legislative power, and repressed all the natural manifestations of civic life.

An editorial in the same edition of La Nacion, while lamenting the fact of resort to the dishonoring recourse of conspiracy and revolution, says:

We would commit an injustice if we were to cast upon the revolutionists of San Juan the full responsibility for the events that have just taken place.

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More culpable than the promoters of the movement is the deposed government, which provoked it by a narrow and exclusive policy, placing the opposition party in the dilemma of accepting a shameful submission or of indicating by force their abused rights. * * * No one can doubt that the revolution is the fruit of the abuses committed by the official circle in the autocratic exercise of its authority in the face of the keen resistance of the spirit of the people.

Some months ago the Government discovered a revolutionary conspiracy in the city of San Juan. Of this movement the same Colonel Sarmiento, above mentioned, was the leader and he was arrested. His followers, the opposition, thereupon formally applied to the National Congress asking for intervention. This request was discussed in Congress and finally laid on the table. This deprived the people of San Juan of the one alternative that offered for the adjustment of the prevailing difficulties, with the result that they have now availed themselves of the other more unfortunate alternative.

I am, etc.,

A. M. BEAUPRÉ.

File No. 4478/2.

Minister Beaupré to the Secretary of State.

[Extracts.]

No. 492.] AMERICAN LEGATION,
Buenos Aires, February 14, 1907.

SIR: Referring to my No. 489, of the 8th instant, in regard to the revolution that broke out in San Juan, capital of the province of San Juan, on the morning of the 7th instant, I have the honor to report that the condition of affairs reported as prevailing on the date of said dispatch has continued unchanged. The revolutionists seem contented with what they have obtained, namely federal intervention, and are tranquilly awaiting the outcome.

Dr. Cornelio Moyano Garcitúa, appointed to intervene for the Federal Government in the province, as reported in my No. 489 above mentioned, left the capital this morning at 9 o'clock, accompanied by his assistants and secretaries. While his instructions have not been made public it is evident that he goes with ample powers. This is evident from a response of the minister of the interior to a telegram of the 11th instant from the deposed governor, Manuel J. Godoy, in which the latter reports in detail the events of the revolution and asks that the act of intervention be limited to restoring him to power. In his reply the minister, Dr. M. A. Montes de Oca, says:

* * * The executive is firmly decided to resort to all its constitutional attributes in order to maintain internal peace, proceeding to this end with the energy and prudence which the circumstances demand. For this reason it adopted * * * the resolutions communicated to your excellency, and for this reason it will carry them out with unwavering rectitude * * *. The interventor, whose name is a guaranty of impartiality and competence, will study the antecedents of law and fact that will permit him to decide whether the authorities of San Juan ought to be established, or whether he ought to proceed to the reorganization of its powers * * *.

In other words, whether Governor Godoy should be restored or whether new elections should be held.

It is reported that Doctor Garcitúa has himself insisted on these ample powers, and both La Nacion and La Prensa editorially laud the act of the executive in investing him with them, and state that such is the only possible course in view of the facts. In an editorial

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La Prensa of to-day says, referring to Governor Godoy's telegraphic request that the intervention be limited to his restoration:

The national Government can and ought not to take it into account * * *. The intervention is to guarantee the republican form of government destroyed and corrupted during a long series of years; for in San Juan the constitution of the Province is simply a fiction. There exists there no administration of justice, no municipal régime, no primary education; and as regards the exercise of civil rights, this is subordinated to the will of advisers thoroughly corrupt * * *. The cause of the revolutionists is * * * that of the people of San Juan, it comprehends the persistence of their institutions and respect for the exercise of their civic rights * * *. Whatever reservations there may be in the instructions [of the interventor] * * * let him not forget this: In San Juan there is a real cause, that is above all others, the cause of the people, whose voice and whose aspirations after justice have been heard throughout the Republic in spite of the repression exerted by audacious advisers [to the Governor].

The affairs of San Juan thus seem in a fair way to improvement. Meanwhile alarms and rumors are rife throughout the country. The governor of Entre Rios is overwhelmed with alarms. Reports from Corrientes are most unsatisfactory. Other uncertain rumors have been received from La Plata, capital of the Province of Buenos Aires, and the capital of the Republic itself is disturbed by alarms so serious that extraordinary precautions have been taken and a constant vigilance exercised. A detachment of the national marine was sent up the river Parana several days ago, and the Tenth Infantry has been ordered from the capital to Corrientes and replaced by another from the Campo de Mayo, a post near the capital.

I am, etc., A. M. BEAUPRÉ.

File No. 4478/3.

Chargé Wilson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, October 5, 1907.

(Mr. Wilson states that the situation in the Province of Corrientes is serious, but confined to that Province, and that several fights have taken place between the revolutionary and government forces. Informs Mr. Root that *Las Palmas*, a steamer belonging to an American citizen, has been seized by the revolutionists and that he has requested the Government to take the necessary measures for its return. Says that the revolutionists have taken two boats belonging to Italian subjects.)

File No. 4478/4.

Chargé Wilson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, October 9, 1907.

(Mr. Wilson reports, referring to his cablegram of the 5th instant, that the steamer *Las Palmas* was returned to its owner yesterday.)

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File No. 4478/5.

Chargé Wilson to the Secretary of State.

[Extract.]

No. 624.] AMERICAN LEGATION,
Buenos Aires, October 9, 1907.

SIR: I have the honor to confirm my telegram of the 5th instant, as follows (supra), and the following telegram of to-day's date (supra).

On October 4 I received a telegram from one Jorge Dunster, stating that he was an American citizen, owner of a steamer called *Las Palmas*, which had been seized by the revolutionary forces in Corrientes, and asking the assistance of the legation. At the weekly reception of the minister of foreign affairs that day, I showed Doctor Zeballos the telegram from Mr. Dunster. He told me that he had received the same complaint from the Italian legation in regard to two steamers seized by the revolutionists, and told me to direct Mr. Dunster to at once make a protest against the seizure of his property before the proper provincial authorities. This I tried to do, but as the telegraph service with Corrientes was interrupted I could not communicate with Mr. Dunster. I therefore wrote a note to the minister of foreign affairs stating the case and requesting him to take necessary steps for the return of the boat to its owner.

In reply Doctor Zeballos stated that the case was one in which the owner of the boat should have recourse to regular legal means for its recovery, but that, however, at my request he had sent a telegram to the authorities at Corrientes, and I am this morning in receipt of a telegram from Mr. Dunster saying that his boat was handed over to him on the 8th instant.

As told by the minister of foreign affairs, I have instructed Mr. Dunster to make his protest before the proper provincial authorities for the seizure of his boat.

I am, etc., CHARLES S. WILSON.

MESSAGE OF THE PRESIDENT OF THE ARGENTINE REPUBLIC TO THE ARGENTINE CONGRESS.

File No. 4519/4–5.

Minister Beaupré to the Secretary of State.

[Extract.]

No. 540.] AMERICAN LEGATION,
Buenos Aires, May 10, 1907.

SIR: I have the honor to report that on the 8th instant the Forty-Sixth National Congress was opened by the President of the Republic, with the usual imposing ceremonies. This event should have taken place on the 1st instant, but the President has been slightly ill, sufficiently so to cause the delay.

To the joint assembly of both houses, and in the presence of the ministers of state, the diplomatic corps, judges of the supreme court, and representatives of the civil, military, and naval departments of the Government, the President personally read his message.

It is a very long document, reviewing at length the administrative efforts of the past year, and presenting the important questions upon

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which this Congress will be asked to legislate. It contains no startling proposals. Even that part relating to the increase of the Argentine navy, which the President recommended very forcibly in his last message, simply calls attention to the inefficiency of the present naval force, and says:

My Government is of the opinion that, with due regard to the exigencies of the national finances, the naval defense of the country should not be deliberately left in a position of such marked inferiority that it can not be counted upon to respond to its mission if called to defend our coasts.

Concerning foreign relations, the President reports the country at peace with all the world, and, among other things, says:

The most notable diplomatic event of the year was the visit of the Secretary of State of the United States of America to the various South American Republics, including Argentina. The eminent statesman, Mr. Root, brought a message of grateful cordiality and sympathy from the American people and from the distinguished President Roosevelt, and at every opportunity he expressed the most elevated and sincere thoughts respecting the future relations of the American countries, between themselves and with other nations. I shall always retain as one of my most pleasant recollections the visit of Mr. Root, to whose country and to whose person the Argentine Republic paid tribute, through all its organs, by the greatest and merited demonstrations of hospitality and sympathy. The journey of Mr. Root has commenced to bring positive results, for now there is greater vigor displayed in the augmentation of our commercial relations, and, to the benefit of their development, a more generous and resolute action by the public authorities of the United States of America. The European powers, on their part, have offered us frequent testimonials of their consideration and friendship. I have had the honor and pleasure of receiving autograph letters from the sovereigns of England and of Spain, elevating to the first class the rank of their diplomatic representatives in this country. * * * Considering the immense number of foreign residents in Argentina, it is satisfactory to me to add that not a single case has arisen to warrant diplomatic intervention, properly so called. The representatives of the foreign powers are rarely at the foreign office in the interests of their constituents, except in search of information.

The chapter relating to finance is the one which will be read with the most interest abroad, and it is a most satisfactory statement of the financial situation of the country. To quote:

If Providence and national labor should yield us a surplus revenue similar to that of last year, it could not be less than $43,772,000 national money. That was as a matter of fact the surplus of 1906, which was employed in covering extraordinary expenses authorized by yourselves, omitting the emission of bonds on the internal debt. Of this recourse use was made during the year only for the sum of $1,000,177 in spite of the fact that expenditure placed to account of bonds reached $27,419,540 national money on the 31st December, 1906. As the surplus of $43,772,000 did not suffice to cover these extraordinary expenses and those authorized by special laws and agreements, and the estimates for 1906 were sanctioned with a deficit of $5,000,000, it was necessary to use these resources, also extraordinary, to the extent of $11,445,026, even although the executive was empowered by the budget law to issue as much as $42,892,124 national money. Up to the 31st December last the total amount emissible in bonds at any given moment by various estimates and special laws was $53,655,140 national money. The market can not continue under the uneasiness produced by emissions not imperatively required by the national progress, and I esteem that a prudential sum should be reserved to consolidate debts incurred for unexpected contingencies or to meet urgent needs, and that the major portion of this emission should be formally renounced, which course would contribute to the firmness and better quotation of the internal credit of the nation. The internal debt now amounts to $88,243,800 national money and $3,701 gold; the treasury bills in circulation amount to $411,437 gold and $4,995,253 national money; the foreign consolidated debt is $324,333,116 gold. In the first quarter of this year the value of the imports was $54,660,885 gold and the value of

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the exports $96,946,217, each of which amounts exceeds the figures of the corresponding period of 1906.

I am sending herewith two copies, with translation, of the President's message.[a]

I am, sir, etc.,

A. M. BEAUPRÉ.

BOUNDARY DISPUTE BETWEEN THE ARGENTINE REPUBLIC AND BRAZIL.

File No. 5483/1.

Minister Beaupré to the Secretary of State.

No. 496.] AMERICAN LEGATION,
Buenos Aires, February 21, 1907.

SIR: I have the honor herewith to transmit the usual number (2) of copies of an executive decree of the 8th instant, cut from the Boletin Official, No. 3978, of the 13th instant, whereby are approved the final acts of the mixed Argentine-Brazilian commission appointed in accordance with the provisions of the Argentine-Brazilian protocol of August 9, 1905, to describe and mark the boundary between this Republic and that of Brazil, in accordance with the arbitral decision of the President of the United States of February 5, 1895, to whom the same had been submitted in pursuance of a treaty of September 7, 1889, between these two neighboring Republics. It is also provided in this decree for the necessary steps to the transfer from this country to Brazil of the islands that were declared Brazilian territory and for the transfer from Brazil to this country of the islands declared Argentine territory.

A translation accompanies the decree.

I am, etc., A. M. BEAUPRÉ.

[Inclosure.—Translation.]

Decree approving the final acts of the mixed international commission of limits with Brazil.

BUENOS AIRES, *February 8, 1907.*

Having seen the final acts of demarcation of the dividing line between the Argentine Republic and the Republic of the United States of Brazil, subscribed by the mixed international commission created in accordance with the protocols of August 9, 1895, October 1, 1898, and August 2, 1900, and having seen, likewise, the general plans of the frontier demarked, traced, and subscribed to by the same commission in fulfillment of Article VI of the treaty of October 6, 1898.

The provisional president of the Senate, in exercise of the executive power, decrees:

ART. I. The final acts subscribed by the mixed international commission of June 8, July 15, and August 8, 1904, are approved, in which is traced and described the dividing line between the two countries, from the mouth of the Cuareim to that of the Pepiri Guazú; from the mouth of the latter to the principal source of the river San Antonio, and from there following its bed to its conjunction with the river Iguazú; and from the mouth of the river San Antonio to its conjunction with the Paraná.

ART. II. Likewise is approved the general plan of demarcation signed by the members of the mixed international commission, which plan was approved and subscribed by it, as shown by the act of October 6, 1901.

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[a] Not printed.

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ART. III. The minister for foreign affairs will enter into the necessary agreements in order to take possession of the islands which said acts and plans declare to be Argentine and for the transfer of the islands which in like manner belong to the Republic of the United States of Brazil.

ART. IV. Let it be communicated, published, and given to the National Register.

VILLANUEVA.
E. S. ZEBALLOS.

REJECTION OF SHIPMENT OF DEVILED HAM.

File No. 7661.

The Acting Secretary of State to Minister Beaupré.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 18, 1907.

(Mr. Bacon informs Mr. Beaupré that the Department of Agriculture has been advised that 225 cases deviled ham, packed by Underwood Company, Boston, were rejected by the Argentine officials on account of alleged presence of borax, and that the cases were ordered to be removed within three days. Mr. Bacon states that the Department of Agriculture is unable to credit finding. Directs Mr. Beaupré to urge delay of reshipment until further investigation and, if possible, to have samples sent here.)

File No. 7661/1.

Minister Beaupré to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, July 19, 1907.

(Mr. Beaupré states that the Government's analysis of deviled ham shows a small quantity of boric acid, and that time has been granted for reshipment until an investigation has been made. Says he will send samples.)

File No. 7661/7–8.

Minister Beaupré to the Secretary of State.

No. 567.] AMERICAN LEGATION,
Buenos Aires, July 20, 1907.

SIR: Referring to the department's telegram of the 18th instant and to my telegram in reply of the 19th instant, concerning the rejection of 225 cases of William Underwood Company's deviled ham by the Argentine customs authorities, because of the alleged presence of boric acid, and also to my No. 544, of May 15 last,[a] relating to the same general subject, I have the honor to report that immediately upon the receipt of the department's telegram I took the matter up

[a] Not printed.

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and succeeded in having orders sent to the custom-house extending the time for the reshipment of the goods indefinitely or until a proper investigation of the facts can be made.

I found that the 225 cases of deviled ham referred to were imported through the American Trading Company, but Messrs. Laffitte & David, the agents of William Underwood Company in this city, informed me that there were many other shipments here and on the way which would probably be rejected on the same grounds.

Of the 225 cases mentioned, 150 cases were consigned to Messrs. Mignaquy & Co., and it is from this lot that I am sending to the department herewith two sample tins, and concerning which I shall make particular reference.

They were inspected in the United States by Mr. U. G. Houck, inspector of the Department of Agriculture, on April 30, 1907, and the accompanying inspection certificate is No. 5324; they were shipped on the steamer *Telesfora*, arriving in the port of Buenos Aires on June 21, 1907; they were inspected in this port by Mr. T. G. Ruiz, in connection with 2 cases of tinned fish and 200 cases of tinned oysters, who reported that they were in good condition and forwarded samples to the inspector-general for a chemical analysis to ascertain if they contained lead, boric acid, saltpeter, nitrate of potash, or coloring matter; Dr. Juan Sarid, chemist of the department of agriculture, who made the analysis, certified that the fish and oysters were good food, containing no preserving substances, but "not so the samples of deviled ham, which contained a small quantity of boric acid." Whereupon the deviled ham was rejected and ordered reshipped, as reported to the department.

I understand that no private analysis of deviled ham has thus far been made here, but Messrs. Laffitte & David inform me that they intend to have this done and will report the results to me.

I shall endeavor to ascertain the facts as well as I can, and do everything possible to secure fair treatment for this American product, which has had a very large sale throughout the Republic. Whether or not an error has been made I am unable to say, because I have no evidence to offset that of the chemist who made the analysis. I can only hope that such evidence will be forthcoming; but should it appear from the department's investigations that Underwood's deviled ham contains boric acid in any quantity, and that for that reason the rejection was justified under the laws existing in this country, I should be glad to be instructed by cable, as the time given for reshipment is "until further orders," and I have promised to be as expeditious as possible.

I am, etc., A. M. BEAUPRÉ.

File No. 7661/3.

Minister Beaupré to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, July 31, 1907.

(Mr. Beaupré reports that shipments of deviled ham are arriving and being rejected. States that he could not obtain more than one month's time for reshipment.)

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File No. 7661/15.

Minister Beaupré to the Secretary of State.

No. 575.] AMERICAN LEGATION,
Buenos Aires, July 31, 1907.

SIR: Referring to my telegram of this date, elsewhere confirmed, and to my No. 567, of the 20th instant, concerning Underwood's deviled ham rejected by the Argentine authorities as containing boric acid, I have the honor to report that, in view of other shipments being rejected, I called on the minister for foreign affairs to-day and endeavored to have the time for reshipment extended. At first the minister was not disposed to recommend an extension of the time. He said that ample notice had been given that ham containing boric acid would not be received; that a large quantity of goods from England, Italy, and Spain had either been reshipped or destroyed, and he did not think that any exception should be made; that the question was not a diplomatic one, but one of fact; and that a competent officer of the Argentine Government had determined the fact that the Underwood's deviled ham rejected contained boric acid, and that this could not be set aside by an analysis made by any other Government. I urged that the limited time given for reshipment did not even permit the local representatives of Wm. Underwood Company to be heard by the proper authorities, and they might have some evidence to produce which would have an important bearing on the subject. The minister finally sent for the assistant secretary of agriculture, who has consented to give one month's time for reshipment, but would concede no more.

I am, etc., A. M. BEAUPRÉ.

File No. 7661/4.

The Acting Secretary of State to Minister Beaupré.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 2, 1907.

(Mr. Adee informs Mr. Beaupré that the Department of Agriculture states that chemical examinations of Underwood's deviled ham shows less than one-thousandth of 1 per cent boric acid and suggests that representations be made to the Argentine Government that such quantity can not indicate added borax or borax as a preservative; directs him to act accordingly.

Mr. Adee states that it is practically impossible for packers to ship if such infinitesimal trace is sufficient to exclude.)

File No. 7661/5.

Minister Beaupré to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, August 2, 1907.

(Mr. Beaupré informs Mr. Root that the shipment of deviled ham referred to in his telegram of the 19th ultimo has been again analyzed by the Government, found to contain no boric acid, and passed.)

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File No. 7661/6.

Minister Beaupré to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, August 3, 1907.

(Mr. Beaupré states that matters have been arranged so that he thinks there will be no more difficulty concerning the admission of deviled ham.)

File No. 7661/10.

Minister Beaupré to the Secretary of State.

No. 579.] AMERICAN LEGATION,
Buenos Aires, August 3, 1907.

SIR: Referring to my two telegrams, sent yesterday and to-day, and to my No. 575, of the 31st ultimo, concerning Underwood's deviled ham, I have the honor to report that upon the receipt of the department's telegram of the 19th ultimo I at once called upon Dr. José León Suarez, chief of the section of animal industry of the Department of Agriculture, and through him obtained the order extending the time for the reshipment of the rejected goods until an investigation could be made. After I had explained the matter to Doctor Suarez, he promised to take a personal interest in a further investigation. Complying with his promise and also at the request of Messrs. Mignaquy & Co., he caused an analysis of the rejected ham to be made in his office, with the result, as I telegraphed yesterday, that it was declared not to contain boric acid, and an order made that it be delivered to the purchasers, Messrs. Mignaquy & Co.

I have just returned from an interview with Doctor Suarez. He expressed his regrets that an error had been made in the first analysis by Dr. Juan Sarid, who evidently did not have the proper apparatus, and he had not given sufficient time and attention to the examination. He further stated that he had obtained orders from the minister of agriculture that in future all deviled ham should be analyzed in his department, and he assured me that it should be done under his personal supervision.

Under the circumstances, I feel quite justified in expressing my belief that there will be no further difficulty in the admission of Underwood's deviled ham, and that it will not be necessary to make any official representations to this Government, as instructed in the department's telegram of yesterday.

I am, etc., A. M. BEAUPRÉ.

File No. 7661/9.

Chargé Wilson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, September 10, 1907.

(Mr. Wilson states that a shipment of 100 cases of Underwood's deviled ham, Agricultural Department certificate No. 59859, has been

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refused entry, the government analysis showing boric acid. Says that he has been informed that other shipments which have already arrived will be refused for the same cause.)

File No. 7661/10.

The Acting Secretary of State to Chargé Wilson.

No. 135.] DEPARTMENT OF STATE,
Washington, September 13, 1907.

SIR: I have to acknowledge the receipt of Mr. Beaupré's dispatch No. 579, of the 3d ultimo, reporting the admission of a shipment of American deviled ham, and expressing the opinion that in future such importations would be attended with no difficulty.

The department regrets that there has been a renewal of this troublesome question, as shown by your telegram of the 11th [10th] instant.

I am, etc., ALVEY A. ADEE.

File No. 7661/11.

The Acting Secretary of State to Chargé Wilson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 11, 1907.

(Mr. Adee acknowledges the receipt of Mr. Wilson's telegram of the 10th, and informs him that the Department of Agriculture states repeated chemical examination of Underwood's deviled ham shows no added boric acid; possible trace of borax found, due to its formal presence in common salt used for curing ham. Requests that Argentine Government be asked to make additional analysis and indicate per cent of borax found, and also that samples be forwarded for examination here.

Mr. Adee directs Mr. Wilson to ask reexamination and to see Mr. Beaupré's telegrams of August 2 and 3 on same subject.)

File No. 7661/17–18.

Chargé Wilson to the Secretary of State.

No. 606.] AMERICAN LEGATION,
Buenos Aires, September 12, 1907.

SIR: Referring to my telegram of the 10th instant, and to the department's reply of yesterday's date, I have the honor to transmit herewith two tins of Underwood's deviled ham, which are a part of a consignment which the Argentine Government claims contains boric acid, and will therefore not allow it to be delivered to the agents of the Underwood Company here.

The consignment in question is addressed to Nicolas Cafferata, and is accompanied by the certificate of inspection No. 59859 of the Bureau of Animal Industry of the United States Department of Agriculture. Upon receiving the complaint of the agents I immediately called upon Doctor Suarez, chief of the section of animal

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industry, who, as reported in dispatch No. 579, of August 3 last, had received an order from the Department of Agriculture that in the future the analysis of deviled ham should be made in his department.

Doctor Suarez said that not only in the consignment of ham in question, but also in others now at the custom-house, boric acid had been found.

In accordance with your telegraphic instructions I again called on Doctor Suarez to-day and asked for another analysis, which he ordered made immediately, and copies of which I will forward to the department as soon as received. I also told him the substance of your telegram in regard to the possibility of the presence of borax being due to the salt used in curing ham.

The samples inclosed herewith were given me by the chemist who made the analysis, and who states that he found a certain quantity of boric acid. The open tin is the one from which the ham was taken for analysis, and I also inclose a similar unopened tin from the same consignment.

The chemist also told me that in the tins of the size inclosed he always finds boric acid, while in tins of a smaller size he rarely found any traces of it.

The ham was ordered to be reshipped immediately, but I have now succeeded in obtaining a short delay, although they will not fix any definite date.

The minister for foreign affairs, with whom I talked about the matter, says that the whole affair reduces itself to a question of fact, whether or not Underwood's deviled ham does or does not contain boric acid; that an analysis made by competent officials of the Argentine department of agriculture shows the presence of this acid, and that if a further and more careful analysis still shows it, that this decision can not be set aside by private analysis or one made by another government, as the Argentine Government has given full notice that tinned meat containing this substance can not enter the country (dispatch No. 544, of May 15, 1907).

I am, etc., CHARLES S. WILSON.

File No. 7661/19–21.

Chargé Wilson to the Secretary of State.

No. 613.] AMERICAN LEGATION,
Buenos Aires, September 25, 1907.

SIR: Referring to my dispatch No. 606, of the 12th instant, inclosing two tins of Underwood's deviled ham, in which it is claimed that boric acid existed, I have the honor to report that Doctor Suarez now informs me that he was mistaken and that boric acid does not exist in the tins of the size forwarded to the department, but only in the smaller tins, of which I inclose herewith a sample for analysis.

In accordance with your cable instructions of the 11th instant, I asked for a new analysis of the deviled ham, and I inclose herewith a translation of same. As this analysis of a small tin does not belong to the consignment now in dispute, I have asked for a further analysis of a small tin belonging to this shipment, which I shall hope to have in a few days, and in addition to the analysis of the Argentine Government, Messrs. Lafitte and David, the agents of the Underwood

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company here, are having a private analysis made, of which they will furnish me with copies.

I have pointed out to Doctor Suarez that it is hardly possible that boric acid can be found in tins of one particular size and not in another, as all the ham is undoubtedly prepared by the same process, and that it is a mere matter of chance whether it is put into large or small tins while it is almost always absent in the large size.

I am, etc.,

CHARLES S. WILSON.

[Inclosure.—Translation.]

The sample of deviled ham (large tin), with the inclosed note, does not contain boric acid in an appreciable quantity, which corroborates previous analyses, i. e., that in the large tins of this product there is found only some traces of boric acid, while in the small tins it has always been unquestionably present.

Together with the above-mentioned sample an analysis has been made of a small tin sent previously, and in this latter there exists boric acid in a proportion equal to 0.007 per cent (BO_3H_3); the quantity of chlorid of sodium (salt) in the same was 2.80 per cent, and it is calculated that the boric acid which would correspond to a kilo of this salt would amount to 0.25.

In the sample sent there was found 3.16 per cent of chlorid of sodium, and as in this boric acid does not exist in appreciable quantities, while in the other, which contains less salt, boric acid does exist, it is difficult to admit that this last substance constitutes an impurity of the salt employed in the curing of hams.

P. LAVERINO.

Division of Agriculture, Chemical Laboratory.

File No. 7661/16.

Chargé Wilson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Buenos Aires, October 16, 1907.

(Mr. Wilson states that in reference to his cable of September 10, Underwood's deviled ham, new analysis, shows no boric acid. Also states that ham at custom-house will be admitted and that all future shipments will be admitted subject to occasional analysis.)

File No. 7661/23.

Chargé Wilson to the Secretary of State.

[Extract.]

No. 629.] AMERICAN LEGATION,
Buenos Aires, October 16, 1907.

SIR: I have the honor to confirm my telegram of to-day's date, as follows [supra]:

As previously reported, in accordance with instructions from the department of September 11, 1907, I requested that a new analysis of Underwood's deviled ham should be made by the Argentine authorities in order to show the exact amount of boric acid, which substance they claimed to find in this product. A new analysis was

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made, but I was unable to obtain a copy from the department of agriculture, and was only informed that boric acid had been found to exist in the small tins of ham but not in the large ones.

As this seemed quite an unreasonable decision, I had a private analysis made by two different chemists, both of whom agreed in finding no boric acid. This result I showed to the Argentine authorities, as well as the same statement from the United States Department of Agriculture, and requested still another analysis. I have to-day been informed that this final analysis shows no boric acid. Doctor Suarez, the chief of the bureau of animal industry of the department of agriculture, in communicating this result to me, also informed me that orders had been given to deliver to the consignees all shipments of Underwood's deviled ham now held at the custom-house, and that all future shipments should be admitted, subject to an occasional analysis; that is to say, that each separate case of ham will not be examined as heretofore. When an analysis is made from time to time it will be made by two separate departments, and if they disagree as to the presence of boric acid the ham will receive the benefit of the doubt and be admitted.

I hope that the question of the presence of boric acid in Underwood's deviled ham has now been definitely settled, and that there will be no more difficulty in regard to its admittance into Argentina.

I am, etc.,

CHARLES S. WILSON.

File No. 7661/24–27.

Chargé Wilson to the Secretary of State.

No. 630.] AMERICAN LEGATION,
Buenos Aires, October 17, 1907.

SIR: Referring to my dispatch No. 629, of yesterday's date, I have the honor to inclose herewith, as being of possible interest to the Underwood Company, the reports, together with translations of same, of three separate analyses made of the deviled ham manufactured by that firm. Inclosure No. 3 is the final analysis made by the Argentine Government, on the strength of which measures reported in the above-mentioned dispatch No. 629 were adopted.

In this connection I have to request that I may be furnished, in case further difficulties should arise in regard to the admittance of Underwood's deviled ham, with official copies of analyses made by the United States Department of Agriculture of the samples of ham transmitted to the department with my dispatches Nos. 606 and 613, dated September 12 and 25, 1907, respectively.

At the request of Doctor Suarez, chief of the bureau of animal industry here, I also beg to be informed as to the regulations in force in the United States in regard to boric acid in meat products; i. e., whether it is entirely prohibited, allowed in certain proportions, or whether no regulations exist; as in case it is prohibited the fact that each tin of Underwood's deviled ham bears a certificate of inspection by the United States authorities would have decided weight with the Argentine authorities in allowing the admittance of this product without further analysis.

I am, etc.,

CHARLES S. WILSON.

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[Inclosure 1.—Translation.]

According to the declaration made by the chief of this office (Prensa chemical laboratory), he has carried to the extreme, in the analysis of deviled ham, the concentration of the mineral elements, and has found traces of boric acid, but so insignificant that "mention of them may be omitted." This circumstance can in no way constitute an argument against the article, which is entirely fit for consumption.

In the opinion of the above gentleman, the presence of these traces, almost unappreciable, is due to retention, in the manufacture of deviled ham, of the small pieces which are taken from the whole hams prepared for exportation, in the preparation of which boric acid is employed in order to hasten the curing. This is a satisfactory enough explanation of the result obtained, but it can be stated with certainty that boric acid has not been added to deviled ham in any form, which, moreover, has sufficient elements of preservation for its complete sterilization in appreciable quantities of salt, in the spices, and in the application to the tins of the "Appert" method.

[Inclosure 2.—Translation.]

BUENOS AIRES, *October 10, 1907.*

Analysis of ham paste (deviled ham), submitted by Messrs. Laffitte and David.

It has been presented in its original tin, perfectly sealed.

The state of preservation, color, aspect, and organism of the paste are good.

The chemical analysis shows the absence of preservation substances (acids—salicylic, boric, sulphuric—and their salts) and of toxic metals (copper, lead, tin, mercury, arsenic, and antimony).

The microscopic examination shows it entirely free from pathogenic germs and those of putrefaction.

M. I. NELSON.

[Inclosure 3.—Translation.]

BUENOS AIRES, *October 15, 1907.*

The result of the examination made of samples of deviled ham (A lot A–4021 G. 2585–907) shows that it contains no boric acid.

In regard to this product, which we have examined numerous times with different results, applying always the same method of investigation, objections have been raised by the parties interested to the fact that we have sometimes noted the presence of boric acid or its compounds in appreciable quantity, other times only traces of this substance, and, finally, in certain cases, as at present, none.

To what may these apparent differences be attributed? It may naturally be understood that the interested parties claim that the product which they sell is free from boric acid; nevertheless, I am sure of the exactitude of the results which I have communicated, and I understand that, although certain chemists outside of my laboratory have not found in deviled ham the antiseptic referred to, others have clearly proved its presence, so that there is no doubt but that boric acid exists in some tins and not in others.

To explain this fact, it should be noted that the antiseptic in question may well be found in the tinned ham without having been added by the manufacturer, since it may exist in the meat used in its preparation. In view of the nature of this product, which is a paste of cooked salted meat, who can guarantee that the tins received in one consignment have been filled with the same paste and that the product of to-day is the same as that of to-morrow? It is possible that the tins may be filled with salted meat containing boric acid and in varying proportions, a frequent occurrence in the country of its origin, and which may explain the differences noted above.

On the other hand, the meat cooked either by water or steam loses in the liquid an important quantity of the mineral substances used in its preservation,

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so that according to the contents before cooking and the conditions under which this process is accomplished a result may be produced showing varying quantities of boric acid—from traces which escape investigation up to appreciable quantities.

Moreover, it can not be admitted that the results obtained in a first examination are sufficient for the definite admission or rejection of a product, for nobody can prove that the manufacturer may not alter the product, and, furthermore, that the products which he sells have been manufactured by him, so that it is not surprising if in products bearing the same mark antiseptics are sometimes found and sometimes not.

Respectfully, yours, LAVERINO.

File No. 7661/29–30.

Chargé Wilson to the Secretary of State.

No. 638.] AMERICAN LEGATION,
Buenos Aires, November 6, 1907.

SIR: Referring to my dispatch No. 629, of October 16 last, and to previous correspondence on the same subject, I have the honor to inclose herewith duplicate copies of the "Boletin del Ministerio de Relaciones Exteriores," No. 107, upon page 196 of which publication will be found the correspondence between the British legation in this city and the Argentine Government concerning the presence of boric acid in imported animal food products, and explaining the chemical processes employed in the government laboratories to discover the presence of this acid.

I also inclose duplicate copies of a translation of the article in question, as it may be of interest, in view of the difficulties raised by the Argentine Government in regard to the importation of Underwood's deviled ham.

I am, etc., CHARLES S. WILSON.

[Inclosure.—Translation.]

BORIC ACID IN IMPORTED ANIMAL PRODUCTS.

His Britannic Majesty's minister presents his compliments to his excellency the minister of foreign affairs and has the honor to inform his excellency that he has been directed by the secretary of state in the foreign office to obtain information in regard to the methods employed by the Argentine sanitary authorities to discover the presence of boric acid or like substances in animal products imported from abroad. It has been brought to the attention of His Majesty's Government that the government analysis offices of South American Republics have discovered on various occasions the presence of boric acid in meat, in which the British Government analysis offices have been unable to do so, and it is thought that if the methods employed abroad were known it would be desirable to adopt the same in the United Kingdom.

The bills of lading which accompanied the shipments of ham which were refused entry in the ports of Buenos Aires and Rosario give details about certain cases recently brought to the attention of His Majesty's Government. They are inclosed, in order that their nature may make clear the object of this request.

Mr. Townley will be obliged to Doctor Zeballos if his excellency will be so good as to try, if possible, to have the proper Argentine authorities furnish him with the desired information, in order that he may submit it to Sir Edward Grey.

BUENOS AIRES, *June 25, 1907.*

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MINISTRY OF FOREIGN AFFAIRS,
Buenos Aires, July 16, 1907.

Referred to the minister of agriculture, with the request that he will put this department in a position to satisfy the wishes expressed in the preceding note verbale, provided there be no objection. Acknowledge the receipt.

ZEBALLOS.

BUENOS AIRES, *July 22, 1907.*

Referred to the division of animal industry.

E. EZCURRA.

BUENOS AIRES, *July 24, 1907.*

Referred to the inspector-general regarding the process employed in the chemical analysis of products of imported animal origin.

A. LANUSSE.

BUENOS AIRES, *July 25, 1907.*

Referred to the veterinary inspector, charged by the section of chemistry with the inspection of imported animal products, Dr. Manuel V. Casal.

DESIDERIO DAVEL.

BUENOS AIRES, *July 26, 1907.*

DIVISION OF ANIMAL INDUSTRY, ZOOLOGY, AND VETERINARY POLICE.

MR. INSPECTOR-GENERAL: In accordance with your request for information as to the different methods employed in determining the presence of boric acid in the different foodstuffs analyzed in this office, I have to inform you as follows:

The foodstuffs submitted to this test are various, and the same procedures are followed, more or less, in each case, namely, with chlorics, found in every laboratory and which determine the compositions.

First. Foodstuffs such as ham, poultry paste, etc., are generally submitted to calcination, the largest possible quantity being so submitted, the cinder being washed in hot water in the presence of a base (sodium potash), and the bath evaporated, or the volatile matter being driven off over ashes acting at 4.504 degrees with amyl alcohol in order to obtain the green flame characteristic of boric acid. This method is that of Haffelin.

The Gladding method or that of Dupasquier, known as the volumetric method.

The method of Haffelin for meats, that is, action on meats or hams without fat, and finely powdered muscle, glycerine, alcohol, water, and drops of hydrochloric acid, according to its author, in the reaction on turmeric paper produces red, after being dried in the Bunsen flame.

The Thadduff method or the old method of Bersiliusis, developed by producing an action on the substance to be investigated by the addition of pure potash and an excess of hydrofluoric acid. This method is very good but long on account of time required.

I could give you more ample processes, but any laboratory can inform you of this which is common to all, reviewing the observations referring to the matter.

This is all that I have to report to your excellency.

M. V. CASAL.

BUENOS AIRES, *July 26, 1907.*

MR. CHIEF: I return to you this dispatch with the foregoing report, which can be passed to the chemical office of the division of agriculture in order that it, on its part, may indicate the process followed relative to the point which gives rise to this consultation.

The chemical analysis of imported animal products takes place when the veterinary inspectors in charge of the service deem it necessary, and after those products have been submitted to an organoleptical revision and the previous presentation of the sanitary certificates of origin in due form.

P. BIDART.

BUENOS AIRES, *July 29, 1907.*

Mr. MINISTER: This department has effected the analysis of imported animal products in the manner cited, page 5, by Doctor Casal, in charge of said service,

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who has only recently been in charge of the same since July 1, therefore it would be necessary to pass this dispatch to the department of agriculture in order to request reports from the chemical office of that department, which is the division which has intervened from the beginning in the analysis of those products.

God guard your excellency.

A. LANUSSE, *Chief Official.*

BUENOS AIRES, *July 31, 1907.*

Referred to the agricultural department for purposes indicated by the division of animal industry in its former report.

P. EZCURRA.

BUENOS AIRES, *August 3, 1907.*

Referred to the chief of the chemical section for his information, as he should have for an antecedent the date sent by this division to the department of animal industry relative to the systems employed in the analysis of animal products.

E. FYNN.

BUENOS AIRES, *August 6, 1907.*

CHIEF OF THE DIVISION OF AGRICULTURE.

DR. ENRIQUE FYNN: Authorized in September, 1903, to investigate the presence of boric acid or its compounds in salted meats prepared in this country, we studied on this occasion various methods indicated in the texts that treat of this matter, adopting one, with some modifications, which seemed to us easy and rapid and at the same time sure, and that, taking into consideration the satisfactory results obtained in other analogous cases, was taken as the official method to be applied to investigations referred to the chemical laboratory of the agricultural division.

However, before examining the products submitted by the inspection of the cattle division we have again effected a series of experiments, with the object of proving once more the degree of sensibility of the said method, as well as its applicability to the various animal substances to be examined, and having confirmed these two points we have adopted it up to this date.

The method hereby described consists in destroying by incineration the organic materials and in determining in the ashes the presence of boric acid by the color given with turmeric paper prepared for the purpose and which is peculiar to this material.

The calcination is effected over an ordinary Bunsen burner in a nickel capsule of some 11 centimeters diameter, in which the meat or the other product to be examined is placed, adding a few cubic centimeters of a solution of soda or potash. When the organic matter has disappeared some cinders mixed with the ashes remain, which is pulverized with the end of a small rod, and a complete washing is then accomplished, this residue being treated several times with boiling water. The filtrate is clear and colorless. The presence of boric acid is determined in this liquid, concentrated to a 5 per cent solution, by previously adding hydrochloric acid.

The commercial turmeric paper does not possess the sensibility required for these experiments, and it is therefore necessary to prepare it as need requires. For this purpose the pulverized commercial curcuma root is used, separating the resin which it contains by benzine, and finally dissolving the colored matter by alcohol.

With the tincture thus obtained filter paper is saturated and left to dry. The turmeric paper, if well prepared, presents a lemon-yellow color, and with solution of boric acid at 0.25 per thousand gives a rosy coloring. This said coloring will turn blue if treated with a drop of carbonate of soda.

If the rosy color is weak it can be accentuated by wetting repeatedly (two or three times) the same strip of paper in the liquid used for the experiment, leaving it to dry each time at a moderate temperature; if, in spite of this, the reaction with the turmeric is doubtful, it is convenient to eliminate the major part of the salts which accompany the boric acid in the solution to be experimented with. It is then treated with concentrated alcohol, which is separated by decantation by a small filter, washed several times, and the filtrate, weakly alkaline by sodium hydrate, is evaporated until dried. As has been indicated, in the residue, dissolved in a 1 or 2 per cent of water solution and previously acidified, the presence of boric acid is determined. It is also possible

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to observe the coloring of the flame by adding alcohol at 96° to the residue obtained in the foregoing operations and lighting it.

As a proof, the transformation of the boric acid into methyl boric ether, which is separated by distillation, is sometimes resorted to. The apparatus adopted for this is invented by Juy and Dupasquier (Bul. Soc. Chem., 1895, I, p. 878; A. Carisot, Traité d'analyse des substances minerales, 1904, II, p. 622).

The residue, free from sodium chloride, is then operated upon by washings in alcohol. The presence of boric acid in the distillation, concentrated to a 1 or 2 cubic centimeters and acidified, is then determined with turmeric paper. The coloration is not much more evident than before distilling, operations in the two cases being with the liquids at the same degree of concentration. This procedure is particularly useful in ascertaining the proportion of boric acid contained in the products examined.

It should be stated that in the majority of cases the first method, without washing with alcohol, is amply sufficient to reveal even small quantities of boric acid if worked on 100 grams of the product to be examined, and, as has already been stated, the turmeric paper, well prepared, gives a clear characteristic coloring in the liquid of 0.25 per thousand.

I am, sir, your most obedient servant, PABLO LAVENIR.

YOUR EXCELLENCY: I transmit herewith the report of the chemical section setting forth the method employed in the laboratory of this division in determining the presence of boric acid in food substances.

This procedure has been the subject of a previous study on the part of the writer.

E. FYNN.

BUENOS AIRES, *August 7, 1907.*

AUGUST 9, 1907.

To be returned with the report, as requested, to the ministry of foreign affairs and worship.

P. EZCURRA.

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP,
Buenos Aires, August 31, 1907.

Let the foregoing be communicated to the legation of His Britannic Majesty, and published.

ZEBALLOS.

File No. 7661/28.

The Acting Secretary of State to Chargé Wilson.

No. 146.] DEPARTMENT OF STATE,
Washington, November 26, 1907.

SIR: Referring to your No. 613, of September 25 last, transmitting a sample tin of Underwood's deviled ham from a lot in which Argentine officials claimed to have found boric acid in sufficient quantities to warrant its exclusion from Argentina, I inclose herewith a copy of a letter from the Secretary of Agriculture regarding the analysis made by his department of the contents of the tin referred to.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Secretary of Agriculture to the Secretary of State.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, November 20, 1907.

SIR: Under date of the 2d instant I acknowledged receipt of your letter transmitting a copy of a dispatch from the legation at Buenos Aires, and inclosing a

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small tin of Underwood's deviled ham which is supposed to represent the lot in which a chemist at Buenos Aires has claimed to find boric acid.

I have had very careful examinations made of the meat in this tin, and the results are the same as those reported to you in my letter of October 26, 1907, after an examination of one of the larger tins of the same product. Boric acid is present in the meat, but only in the most minute traces, the amount being entirely too small to warrant the belief that this could have been added to the product at any time during the course of its preparation. The amounts of boric acid are only such as might be normally present in the spices and salts which are properly used in preparing deviled ham.

I have, etc., JAMES WILSON.

File No. 7661/31–33.

The Acting Secretary of State to Chargé Wilson.

No. 149.] DEPARTMENT OF STATE,
Washington, December 6, 1907.

SIR: In further reply to your dispatch No. 630 of October 17 last, in which you request, for communication to the Argentine officials concerned in the rejection of shipments of Underwood's deviled ham, copies of the regulations of the Department of Agriculture in relation to boric acid in meat products, and copies of the records of its analyses of the samples of Underwood's deviled ham which have accompanied your dispatches on the subject, I inclose herewith a copy of a letter from the Acting Secretary of Agriculture inclosing reports of the analyses of the samples of ham referred to, and a copy of the regulations governing the meat inspection of the United States Department of Agriculture (Bureau of Animal Industry, Order No. 137).

I am, etc., ROBERT BACON.

[Inclosure.]

The Acting Secretary of Agriculture to the Secretary of State.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., November 30, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant inclosing copies of two dispatches from the legation at Buenos Aires concerning the presence of boric acid in Underwood's deviled ham, and requesting that your department be furnished with a copy of the regulations of the Department of Agriculture governing the use of boric acid in meat food products, and also copies of analyses made of the samples of deviled ham submitted by the legation at Buenos Aires.

In compliance with your request, I hand you herewith a copy of the regulations governing meat inspection [a] and refer you to regulation 39, which deals particularly with the use of preservatives in meat food products. You will see from this regulation that boric acid is not permitted to be used. I may say, however, that as boric acid is very widely distributed in nature, the department necessarily takes cognizance of this fact, and the presence of mere traces of this substance is not regarded as sufficient to warrant the condemnation of a foodstuff.

I also inclose a report of the analyses of samples of Underwood's deviled ham which were transmitted by you under date of October 21, 1907, and October 31, 1907.

I have, etc., W. W. HAYS.

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[a] Not printed.

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[Subinclosure.]

[Copies from records of the Bureau of Animal Industry, United States Department of Agriculture, Washington, D. C.]

ANALYSES OF SAMPLES OF UNDERWOOD'S ORIGINAL DEVILED HAM RECEIVED FROM THE HONORABLE SECRETARY OF STATE.

Sample No. 1350.—Received October 23, 1907, accompanying dispatch No. 606. Can unopened; upon opening contents were found to be clean and in good condi- too small to be determined quantitatively, and not greater than the amount which might be present normally in the substances used in the manufacture of this product.

Sample No. 1351.—Received October 23, 1907, accompanying dispatch No. 606. Can unopened; upon opening contents were found to be clean and in good condition. Analysis showed a mere trace of boric acid, not exceeding that found in sample No. 1350.

Sample No. 1401.—Received November 2, 1907, accompanying dispatch No. 613. Small can; weight about one-eighth pound unopened; upon opening the contents were found to consist of good clean meat having a spicy odor. Analysis showed this product to contain a mere trace of boric acid, the amount being much too small to be estimated quantitatively and not greater than might occur normally in the substances from which the product was manufactured.

File No. 7661/34.

The Acting Secretary of State to Chargé Wilson.

No. 151.] DEPARTMENT OF STATE,
Washington, December 19, 1907.

SIR: Referring to your dispatch No. 638, of the 6th ultimo, transmitting a copy of the Boletin del Ministerio de Relaciones Exteriores containing correspondence between the Argentine Government and the British legation in regard to the presence of boric acid in imported animal food products, and to previous correspondence arising from the rejection by the Argentine officials of some shipments of Underwood's deviled ham, I inclose herewith for your information and for communication to the Argentine Government a copy of a letter from the Secretary of Agriculture concerning the methods of testing for boric acid used by the departments of agriculture of the United States and the Argentine Republic.

I am, etc., ROBERT BACON.

[Inclosure.]

The Secretary of Agriculture to the Secretary of State.

DEPARTMENT OF AGRICULTURE,
Washington, December 10, 1907.

SIR: I beg to acknowledge the receipt of your letter of the 4th instant, inclosing a copy of a dispatch from the legation at Buenos Aires and a copy of the Boletin del Ministerio de Relaciones Exteriores, No. 107, with a translation of the same. After looking over the methods described in the Bulletin referred to we do not find that the methods used by the Argentine Republic are more delicate than those regularly in use in this department. It appears from their reports, however, that they are content to secure a qualitative test for boric acid and that they do not regularly attempt a quantitative determination. The qualitative tests for boric acid are extremely delicate, and this substance is found widely distributed in nature, especially in salt. It is therefore likely that the officials of the Argentine Republic would find boric acid present in

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most foodstuffs to which salt had been added. This would not mean that boric acid had been added as a preservative, however, nor that more than a trace of this substance was present in the food.

I have, etc., JAMES WILSON.

REGISTRATION OF THE CHILD OF A DIPLOMATIC OFFICER BORN ABROAD.

File No. 4567/1.

Chargé White to the Secretary of State.

AMERICAN LEGATION,
Buenos Aires, January 7, 1907.

SIR: I have the honor to report that, being very desirous that permanent record may be made in the United States of the birth of a son, of which my wife was delivered on August 9 last, and having no knowledge of any provision for the registration of the children of American citizens resident abroad in diplomatic capacity, I have with much hesitation ventured in the following manner to make a record of the same for the sake of possible future contingencies, to wit: I have had the birth of the child recorded at the civil registry (registro civil) in this city in the manner prescribed by the laws of this country for all its residents. Of this record I have had two copies made, which I have had certified to by the American consul-general in this city, Mr. Alban G. Snyder, as being true transcriptions of the record in question. One of these copies thus certified and accompanied by a translation I transmit herewith and respectfully request that the same may be given a place in the department's archives, not only as a permanent record of the fact of the birth of the child, but as evidence of the circumstances of his birth that constitute the same a birth within the territory of the United States.

Should any provision for the recording of the birth of children of the diplomatic representatives of the United States exist, I beg to be informed of the same.

I have, etc., CHARLES D. WHITE.

File No. 4567/1.

The Acting Secretary of State to Chargé White.

DEPARTMENT OF STATE,
Washington, February 15, 1907.

SIR: I have to acknowledge the receipt of your unnumbered dispatch of the 7th ultimo, transmitting for record a copy of the official registration of the birth of your son and requesting information as to the proper method of recording the birth in foreign countries of children of diplomats.

In reply I have to say that the department has no prescribed formality for establishing the citizenship of the foreign-born children of diplomatic and consular officers. Common notoriety and the ready proof of the fact in case of need are all that are necessary.

The certificate of registry you send is, however, faulty, in that it does not state the official quality of the father as well as his nationality. It appears to follow the ordinary civil registry of birth and on its face, according to existing Argentine law, treats the child as an

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Argentine citizen. You were entitled under that law to receive a certificate that the child is exempt from Argentine allegiance, being born to a member of a foreign legation residing in the Republic.

The certificate forwarded by you is returned herewith, in order that you may have it canceled and a proper certificate, certifying to the diplomatic office held by the father, issued in its place.

Should the authorities interpose any objection, the minister can doubtless set the matter right by applying to the foreign office for a certificate in due form.

I am, etc.,

ROBERT BACON.

BONDS OF THE ENTRE RIOS EASTERN RAILWAY COMPANY.

File No. 5748.

The Acting Secretary of State to Minister Beaupré.

No. 118.] DEPARTMENT OF STATE,
Washington, April 10, 1907.

SIR: I inclose a copy of a letter from A. A. Lisman & Co., of New York, inquiring what has become of the issues of certain bonds of the Entre Rios Eastern Railway Company described therein.

You will endeavor to secure the information desired and transmit it to the department for communication to Messrs. Lisman & Co.

I am, etc.,

ROBERT BACON.

[Inclosure.]

Mr. Lisman to the Secretary of State.

NEW YORK, *April 5, 1907.*

SIR: Clients of ours are holders of the Entre Rios Eastern Railway Company 6 per cent gold-coin bonds, which bear the following indorsement:

"This bond is secured by a guarantee made by the Argentine Republic of an income to the company of 7 per cent per annum upon the entire issue of its first-mortgage bonds for twenty years, which is pledged to the holder hereof for the payment of its interest and sinking fund."

Would it be possible for your department to ascertain what has become of the issues of the security above named?

The company issuing these bonds was a Massachusetts corporation formed in 1881.

Very respectfully, yours,

A. A. LISMAN & Co.

File No. 5748/2–3.

Chargé Wilson to the Secretary of State.

No. 614.] AMERICAN LEGATION,
Buenos Aires, September 25, 1907.

SIR: Referring to the department's instruction No. 118, of April 10, 1907, inclosing copy of a letter from A. A. Lisman & Co. inquiring what has become of certain bonds of the Entre Rios Eastern Railway Company, I have the honor to inclose herewith a copy of a note, together with translation of same, which has just been received from the ministry of foreign affairs in regard to the above-mentioned bonds.

I am, etc.,

CHARLES S. WILSON.

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[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

MINISTRY FOR FOREIGN AFFAIRS AND WORSHIP,
Buenos Aires, September 24, 1907.

Mr. CHARGÉ D'AFFAIRES: In its note of May 29, last, the legation under your charge requested information concerning certain 6 per cent gold bonds of the Entre Rios Eastern Railway Company, which, according to the indorsement on same, enjoy the guarantee of the Argentine Government, and in reply to your request I have the honor to communicate to your excellency the following information that has been sent from the proper section of the ministry of public works:

"The National Government, by law No. 1551, of October 7, 1884, made Messrs. Javier Arrufó & Co. grantees of the Entre Rios Eastern Railway Company, which runs from Concordia to Gualeguaychú, and this concession was confirmed by the decree of the government of the Province of Entre Rios on August 23, 1872, which province guaranteed 6 per cent annually on the effective cost, fixing the cost per kilometer of this railway at $23,557.50 national gold money by decree of November 12, 1886. However, as the grantees did not fulfill the contract, and by virtue of law No. 2716, of September 5, 1889, by which all concessions whose terms had not been fulfilled by the grantees were canceled, said concession was therefore canceled, because the first section of the above-mentioned line that ought, according to the contract, to have been opened for public service in November, 1889, was not opened, the work having been abandoned shortly after having been begun and the grantees restricting themselves to works of slight importance. August 19, 1907."

I avail, etc., E. S. ZEBALLOS.

AMENDMENT OF THE ARGENTINE CUSTOMS REGULATIONS.

File No. 4013.

Minister Beaupré to the Secretary of State.

No. 456.] AMERICAN LEGATION,
Buenos Aires, December 14, 1906.

SIR: I have the honor to refer to Mr. White's No. 381, of June 23 last, transmitting a copy of an executive decree of May 31 last, regulating customs law No. 4933, and to inclose herewith a copy of an executive decree of the 27th ultimo, cut from the Boletin Oficial, No. 3926, of the 7th instant, which annuls article 89 of the above-mentioned executive decree of May 31 last. This decree provides for the use of Argentine warehouses for goods in transit from foreign parts to the countries contiguous to the upper waters of the rivers Parana and Paraguay and tributaries.

I accompany the decree with a translation.

I am, etc., A. M. BEAUPRÉ.

[Inclosure.—Translation.]

Ministry of Finance.

[Annulling article 89 of the decree of May 31 last, regulating the customs law.]

BUENOS AIRES, *November 27, 1906.*

Considering that the provisions of article 89 of the decree regulating law No. 4933 gives rise in practice to certain inconveniences that it is necessary to avoid, and in view of the advisability of fostering the development of the com-

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merce of transit and of the coasts, to which there will contribute above all else the conveniences afforded them and the facilities accorded them in customs procedure,

The President of the Republic, in general session of his cabinet, decrees:

ARTICLE I. Article 89 of the decree of May 31 of the current year, regulating law No. 4933, is annulled, the procedure having in the future to follow the provisions of article 31 of said law.

ART. II. Merchandise proceeding from the bordering countries in transit for established ports of Bolivia and Paraguay and of the Brazilian States of the upper Parana and river Paraguay, shall be deposited in the fiscal warehouses, which for this purpose shall be established in the depots of Pilcomayo and Posadas. The deposit shall be made after permission obtained and on the presentation of the general manifest of the cargo that the vessel carries.

ART. III. There may likewise be deposited in said warehouses the merchandise in transit, proceeding from beyond the sea, for transshipment or reembarkation and destined for the ports mentioned in the preceding article, after the corresponding permission is obtained and on presentation of a certificate (guia) that shall be taken in the first Argentine port of call and shall be verified in said deposits, partial withdrawals being noted until its final cancellation.

ART. IV. The permit to which the preceding articles refer shall be requested of the chief of the corresponding depot by the agent of the vessel, its nature to be determined from the details contained in the general manifest or in the certificate taken in the first Argentine port of call according to the case.

ART. V. The withdrawal of the merchandise deposited in the warehouse shall be made by application of the agent of the vessel, who shall solicit permission according to the requirements prescribed in Article III.

ART. VI. The merchandise stored in the deposits of transit shall be exempt from payment of storage for the time fixed by Article II of law No. 4908. At the expiration of the period it shall be subject to the duties imposed on that stored on general deposit.

ART. VII. For the execution of the provisions of articles 2 and 6 the ministry of public works shall plan the construction of two sheds of 10 meters front and 40 meters deep in the depots.

ART. VIII. Let it be communicated, published, and given to the National Register.

FIGUEROA ALCORTA.
E. LOBOS.
E. S. ZEBALLOS.
FEDERICO PINEDO.
MIGUEL TEDIN.
ONOFRE BETBEDER.

File No. 4013.

The Acting Secretary of State to Minister Beaupré.

No. 104.] DEPARTMENT OF STATE,
Washington, February 8, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 456, of December 14 last, transmitting an executive decree authorizing the temporary storage, free of duty, of merchandise proceeding from the bordering countries in transit to established ports of Bolivia and Paragua and of the Brazilian States of the upper Parana and the River Paraguay.

The inclosure to your dispatch has been read with satisfaction as tending to ameliorate, in a mutually beneficial manner, restrictions on commerce.

I am, etc., ROBERT BACON.

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RAILWAY-CONCESSION LAW.

File No. 8573.

Minister Beaupré to the Secretary of State.

No. 585.] AMERICAN LEGATION,
Buenos Aires, August 9, 1907.

SIR: I have the honor to report that on the 6th instant National Deputy Emilio Mitre presented in the Chamber of Deputies a project of law relating to future railway concessions and to existing railways in the Argentine Republic. The three principal objects of the bill are to make general regulations for all future concessions; to establish uniformity in the privileges granted to railway companies and as regards governmental control of their tariffs; and to impose a fixed percentage tax on their net profits in exchange for their exemption from taxation and from customs duties upon materials for construction and operation.

The bill provides that until 1947 (when the privileges granted to the Southern Railway will cease) all materials imported for future railways will be free from duties, in consideration of an annual payment of 3 per cent upon the net profits, which will also free the company from the national, provincial, and municipal taxes. The existing companies may, within six months from the promulgation of the law, declare their option to avail themselves of the privileges, provided that they agree to pay the tax and consent to be subjected to the operation of article 9 of the bill, which declares that the national executive shall fix the tariffs when the gross profits of the railway have in three successive years exceeded 17 per cent upon its capital in shares and debentures, the working expenses being limited to 60 per cent of the receipts, and not to include remuneration of persons paid by the company abroad. For these purposes the capital will be fixed by the executive when the line is opened, and may not be increased without its consent.

If the existing companies do not declare such option within the six months, they will be subject, at the expiration of the term of their privileges, to the payment of all taxes and duties and to the prescriptions of the law in other respects.

In this way uniformity of privileges and obligations will be established at the expiration of forty years at the latest. Afterwards the privileges will only be retainable by payment of a tax of 3 per cent on profits.

I give below a summary of the speech made by Deputy Mitre in presenting his bill, which defines very clearly the policy which he thinks should be pursued in relation to railways:

The project which I submit to the House is susceptible of division into two parts, one of which has reference to the railway concession hereafter to be made by Congress, while the other treats of the railways already existent. In reference to the first I have deemed expedient the incorporation into one legislative scheme of all the general provisions consigned in the latest railway concessions approved by Congress and sanctioned in a certain measure by experience, with certain modifications counseled by the exigencies of practical application. I have also introduced a capital reform in the creation of a railway tax, in virtue whereof the companies will, for the first time, contribute to the defrayment of public expenditure.

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As far as concerns the future concessions to be granted by Congress, it will be undoubtedly advisable to reduce their clauses to a uniform scheme under one comprehensive enactment. In my project I have introduced those clauses generally counseled by the public offices of that department and already sanctioned, as I have just said, by Congress on numerous occasions.

Article I of the project clearly defined this idea, laying down specifically that the provisions of the project shall be valid for all railway concessions, either in respect of main lines or branch lines to be granted in future.

The subsequent articles contain the provisions of a general character to which I have referred and which are connected with the adoption of rolling stock, the weight of rails, and accessory materials; with the fixing of the terms within which the initial process of the concessions must take place, i. e., from the signing of the contract, submitting of the plans, commencement of their works and their eventual termination; the guaranties necessary to insure the performance of the obligations assumed by the concessionaires; the penalties to be incurred by them in default of such performance; the declaration of public utility in reference to the ground occupied by tracks, stations, sheds, and other constructions connected with the concession.

In article 8 is set forth the principal reform contained in the project, namely, that in reference to the creation of a tax of 3 per cent upon the profits of each company, under exemption from every other form of import.

It is well known that in this country there has prevailed in the matter of railway concession a policy of ample liberality, perfectly justified by the necessities of the time in which the first lines were built. At that time it was a matter of urgency to promote the introduction of foreign capital by insuring to it all possible protection, and this has been the invariable rule in our legislation. The national constitution lays down in article 67 as one of the attributes of Congress the task of furthering the construction of railroads by granting privileges of a temporary character. In the course of time and as the result of the progress of the country, the position of the railway companies has progressively improved and at the present day the capital invested therein is well remunerated. The moment has therefore arrived in which, without departing from the policy of encouragement and stimulation with respect to these companies that have contributed so greatly to the progress of the country, we should put upon them the same obligations that already fall upon the other taxpayers of the nation by claiming from them the contribution of a portion of their gains toward the maintenance of the public administration. The best form of imposing this contribution has seemed to me that of a tax upon the profits of the companies, thus initiating a tributary legislation based upon a tax upon income, which basis is adopted in nations more advanced than ourselves and has almost universal sanction. The proportion I have adopted of 3 per cent upon the profits is the same that for many years has ruled in England for the collection of the "income tax," and represents a very moderate burden, seeing that it would be the only one the companies would have to bear.

By article 9 of the project is established the intervention of the executive power in the fixing of the tariffs, another point of capital importance in this kind of transport service. I have fixed upon the proportion of 17 per cent between the receipts and the capital of the companies' lines as the determinant for the intervention of the Government in the tariffs, and in so doing have proceeded on considerations of a technical order that will more properly be dealt with in detail when the project is discussed, and on which I here confine myself to a mere reference. I think the provision is an equitable one, leaving on the one hand to the companies a sufficiency of net profit to insure to the capital they invest the remuneration to which they may legitimately aspire, whilst completely excluding the possibility of gains so exorbitant as to imply an extraordinary burden upon the factors of production which utilize the carrying power of the companies.

The following articles of the project contain obligations implying a reduction in the tariffs for the conveyance of material and articles belonging to the nation, intended for the construction of national public works authorized by acts of Congress; equality in the tariffs of the telegraphic service; the obligations of the companies to convey the public mails free of charge; to permit the construction of telegraph lines and other complementary clauses inclusive of one of a general character relative to the intervention of Government in the inspection of the works of the concession; and to the right of the State of expropria-

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tion at any time, on the basis of the recognized capital of the companies plus a compensation of 20 per cent.

I ought to add that the proceeds of the tax of 3 per cent will be applied, as appears in the respective article, in their entirety to the construction and repairing of roads and bridges in the municipalities traversed by the railroad, and especially of those roads leading to the stations. In this way I think I have conciliated the legitimate interests of the provinces traversed by the national lines, by contributing to the expenses they necessarily incur in respect of the police and sanitary services in connection with railroads.

This, then, so far as future concessions are concerned. This project being converted into law, we shall have the permanent standard of reference for all concessions that may hereafter be made, on a basis of uniformity and equality for all.

But the existing railway companies are governed by provisions not contained in the present project, except partially and in certain determinate cases. Under these circumstances, I have included in the project two articles empowering the existing railway companies to avail themselves of its prescriptions. In so doing I believe I have consulted not only the public interest but also that of the companies. When I say the public interest, I do not so much refer to the interests of the treasury as to the propriety of placing upon a regular footing the position of great factors of national activity which in their relations with the Government of the country are to-day under the rule of variable provisions not always based on legality or equity.

Recently the procurador fiscal, at the behest of the minister of finance, issued a document specifying the conditions of all the railway companies now existing in the Republic, from the point of view of their relations with the national treasury, which shows a surprising disparity in their various standings.

Thus, for instance, the Buenos Aires Western Railway at the present time is exonerated from all customs or other dues, and yet there exists no law of Congress granting this exemption, which is based solely upon a decree of the National Executive, of the 28th November, 1891, without legal force.

The Southern Railway did not enjoy any exemption from taxation. The exemption it now has it obtained in a manner that seems to me a little creditable to a company of such importance. In January, 1896, toward the end of the sessions, when Congress lacks the time for the mature consideration of its sanctions, there was conceded to the Compañia del Sur the right to extend its line from Bahia Blanca to Neuquen. It was a line of strategical importance from a military point of view, urgently required by the country by reason of its then circumstances, under the threat of a conflict with Chile. The company demanded a subsidy for the construction of this line of $750,000 gold. This premium was in itself sufficiently substantial, but it involved an addendum which rendered it much more so. Whenever I think of this concession I recall to mind the case of the penitent who contritely accuses himself of having stolen a rope, and when the confessor comforted him saying it was no great matter, the penitent added that at the end of the rope was a horse. The company got the premium from Bahia Blanca to Neuquen—that was the rope; but at the end of the premium was the exemption during fifty years from all taxes, whether national, provincial, or municipal—that was the horse. This exemption is equivalent, according to calculation, to several times the capital of the company during the course of the fifty years, etc.

It is thus clear that the situation of these companies is entirely lacking uniformity, unduly favorable to some, to the detriment of others. It is desirable to introduce the uniformity, at present so deficient, in order that the position of these factors of our present and future progress may stand on a perfectly equable basis for all, in which the interests of the companies as well as those of the Republic may be both conciliated in accordance with the principles of justice and equity.

It is quite probable that during the present session of Congress there will be some railway legislation based upon the fundamental idea of Mr. Mitre's project. At the proper time I will report again to the department.

I am, etc.,

A. M. BEAUPRÉ.

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File No. 8573/13.

Chargé Wilson to the Secretary of State.

No. 621.] AMERICAN LEGATION,
Buenos Aires, October 4, 1907.

SIR: Referring to Mr. Beaupré's dispatch No. 585, of August 19, 1907, I have the honor to report that after long discussion the railway concession law has been passed by both houses of congress with some modifications from the bill as originally presented, and in this connection I inclose herewith duplicate copies of an article from the Buenos Aires Herald, of October 4, 1907, containing a translation of the law as passed.

I also have the honor to inclose duplicate copies of an article which appeared in the Standard, of September 28, 1907, in regard to the above law. [Not printed.]

I am, etc., CHARLES S. WILSON.

[Inclosure.—Translation.]

The Railway Concessions Law.

ARTICLE 1. All railway concessions, whether in respect of main or branch lines, to be hereafter granted, shall be governed by the clauses of the present law in accordance with the general law on railways, No. 2873.

ART. 2. The rolling stock, weight of rails, accessories, and other materials used in the constructions of the line shall be specified in the tender to be submitted for the approval of the executive power.

ART. 3. The concessionaire shall sign the respective contract within the term of six months from the date of promulgation of each law of concession.

In each concession the terms shall be fixed within which the plans must be submitted and the works must be begun and ended, and the fines shall be laid down to be incurred by the concessionaire in the event of the work not being completed within the specified time.

ART. 4. Before signing the contract the concessionaire shall deposit in the Bank of the Argentine Nation, as security, the sum of $200 national currency for each kilometer of the line, in cash or in national bonds, which shall be returned to him in proportion to the advance of the works.

ART. 5. Should the concessionaire fail either to sign the contract, or to submit complete plans, or start the work or finish the first 50 kilometers of the principal line within the terms fixed in accordance with article 3 hereof, the concession shall lapse, and, save in the case of unavoidable necessity declared by the executive power, the security deposited shall be forfeited. In such case the deposit shall be transferred by the bank of the nation to the order of the national council of education.

ART. 6. For each month's delay in the performance of the work, the company shall pay a fine to be fixed by the executive power in the tender and to be deducted from the security deposited. In case the deposit should be thus exhausted and the company should be indebted to the extent of more than two months' fines, the concession shall lapse in respect of the portion of the uncompleted line.

ART. 7. All lands shall be subject to expropriation by reason of public utility the occupation whereof may be necessary for the railway lines, stations, workshops, warehouses, etc., in accordance with the plans in each case approved by the executive power, and the concessionaire shall be entitled to effect such expropriation in terms of general law on the subject.

ART. 8. The materials and articles used in the construction and working imported into the country, shall be free of all customs duties, this exemption remaining in force until the 1st of January, 1947. The company shall pay during the said term whatever may be the date of its concession, a single tax equivalent to 3 per cent of the net returns from its lines, remaining exonerated during the said term from all other taxes, whether national, provincial, or

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municipal. The net returns shall be determined by recognizing as expenses 60 per cent of the gross receipts.

If the expenses should exceed this limit during three consecutive years the company shall be held bound to prove the same to the satisfaction of the executive power. The amount of 3 per cent of the net returns shall be applied to the construction or maintenance of the bridges and ordinary roads of the municipalities or departments crossed by the line, in the first place to the roads leading to the stations and in proportion to the extent of the line in each province.

The executive power will deposit in a special account in the Bank of the Argentine Nation, the sums which may be paid by the companies in execution of article 8. Without prejudice to such sums as may be voted by special laws or by that of the estimates, this fund may not be applied to any other purpose than the one expressly determined in the present law.

ART. 9. The passenger and goods tariffs shall be subject to the intervention of the executive power whenever the average gross earnings of the line during three consecutive years shall exceed 17 per cent of its share and debenture capital as recognized by the executive power and the expenses do not exceed 60 per cent of the receipts. If the proportion of expenses are greater during three consecutive years, the company will be held bound to show the same to the satisfaction of the executive power, and in such case the limit of the intervention will be proportionately raised. For these purposes the capital shall be determined by the executive power on the opening of the line for public service and may not be increased without its consent.

ART. 10. The charges for conveyance of materials and articles belonging to the nation and intended for the construction of the national or provincial works authorized by the laws of Congress shall be appraised at the rate of 50 per cent of the usual tariffs. On the same conditions shall be charged the conveyance of war "matériel," national officials, officers and soldiers on public service, immigrants sent forward by the central immigration office, and provincial police officials and official telegrams.

ART. 11. The tariffs for the telegraphic lines for the use of the public shall be the same as those used by the national telegraph department. The apparatus and materials of the telegraphic line shall be subject to the approval of the executive power.

ART. 12. The company shall be bound gratuitously:

1. To convey, in special compartments in which letters and printed matter can be classified, the mail bags and the officials accompanying the same.

2. To extend parallel to the railway line and along its entire length a telegraph wire to be placed at the disposal of the Government for its own use, the maintenance and repair of the same to be borne by the company without any liability or charge to the State.

3. To set apart a building in the principal stations for telegraph offices and post-offices.

4. To permit the junction of the national wires with those of the company's line.

5. To provide a way for horsemen over the principal bridges where such is considered necessary by the executive power.

ART. 13. The executive power may enjoin upon the company to render movable the bridges across rivers and canals which may be declared navigable, without compensation of any kind.

ART. 14. The final plans and the works in construction shall be subject to the inspection of the department of public works and all expenses incurred in or by such inspection shall be borne by the company.

ART. 15. Both the construction and the working of the lines shall be subject to the general law on railways and to such police regulations or regulations for inspection as may hereafter be issued.

The legal domicile of the company shall be in the capital of the Republic.

ART. 16.—The nation reserves to itself the right of at any time expropriating the works effected under the concession for the amount of the recognized capital plus 20 per cent.

ART. 17. Railway concessions may be transferred to third parties with the authority of the executive power; but the transfer of the concession or of the railroad and the lease of the same can not be effected in favor of any other railway company in the country, nor can the management be amalgamated with that of other companies without the sanction of Congress.

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ART. 18. The company may construct small branch lines not exceeding 30 kilometers for the purpose of connecting industrial or rural establishments, subject to the approval of the respective plans by the executive power.

ART. 19. The railway companies at present existing may, within the term of six months, counting from the promulgation of this law, avail themselves of the benefits set forth in article 8 hereof, providing they accept the conditions laid down in said article 8 and in article 9.

ART. 20. At the expiration of their present exemptions, the railway companies now existing who shall not avail themselves of the option contained in the preceding article, shall pay all the taxes and imposts which duly fall upon them, remaining in other matters subject to the prescriptions of the present law in so far as it does not interfere with acquired rights.

ART. 21. The sleepers to be employed on all the railroads in the Republic shall be of a hard wood indigenous to the country.

ART. 22. To be communicated to the executive power.

Given in the Chamber of Deputies, in Buenos Aires, on the 25th of September, 1907.

(Signed.) JUAN ORTIZ DE ROZAS.
(Signed.) JUAN ORANDO,
Secretary.

CONVENTION BETWEEN ARGENTINE REPUBLIC AND THE REPUBLIC OF URUGUAY, CONCERNING LETTERS ROGATORY.

File No. 9786.

Chargé Wilson to the Secretary of State.

No. 627.] AMERICAN LEGATION,
Buenos Aires, October 9, 1907.

SIR: I have the honor to inclose herewith duplicate copies, together with translation of same, of a convention between the Argentine Republic and the oriental Republic of Uruguay, providing for the suppression of the authentication of signatures in requisitorial letters between the courts of the two countries. The exchange of ratifications of the convention took place on the 4th instant.

I am, etc.,

CHARLES WILSON.

[Inclosure.—Translation.]

MINISTRY FOR FOREIGN AFFAIRS AND WORSHIP.

I. *Convention with the oriental Republic of Uruguay for the suppression of the authentication of signatures in letters requisitorial which shall be exchanged between the courts of the two countries.*

Jose Figueroa Alcorta, constitutional President of the Argentine Republic, to all whom these presents come, greeting:

Whereas, between the Argentine Republic and the oriental Republic of Uruguay, there has been negotiated, concluded, and signed in the city of Montevideo on the 18th day of September, 1903, by the plenipotentiaries duly authorized for that purpose, a convention for the purpose of abolishing the authentication of signatures in letters requisitorial and letters rogatory which shall be exchanged between the courts of the two countries in civil or criminal cases through the intermediary of their respective diplomatic agents, or, in default of these, through the consuls, of which the contents is as follows:

Having met together, the minister for foreign affairs of the oriental Republic of Uruguay, his excellency the envoy extraordinary and minister plenipotentiary of the Argentine Republic, Dr. Mariano Demaria, and his excellency of the

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same ministry, Dr. José Romeu, with the purpose of simplifying the conditions established by Chapter II, articles 3 and 4, of the treaty of legal procedure sanctioned by the South American Congress of Private International Law of Montevideo on January 11, 1889, in that portion which refers to the authentication of signatures, letters requisitorial, and other documents proceeding from either countries, and after having communicated to each other their full powers, found in good and due form, have agreed as follows:

ARTICLE I.

Letters rogatory in civil or criminal cases directed by the courts of the Argentine Republic to those of the oriental Republic of Uruguay, or by those of the oriental Republic of Uruguay to those of the Argentine Republic, shall not need the authentication of signatures in order to have faith, when they shall have proceeded through the intermediary of diplomatic agents or, in their default, of the consuls.

ARTICLE II.

If the letters rogatory be issued upon a petition of a private party there shall be indicated in the same the person who is charged with the procedure before the authorities of the country to which he is going, and who shall be responsible for the costs.

ARTICLE III.

When the letters rogatory shall be issued officially the costs caused by the procedure shall belong to the Government of the country receiving them.

ARTICLE IV.

The present convention shall remain in force for an indefinite period; it may, however, be terminated by being denounced by either of the high contracting parties giving one year's notice.

ARTICLE V.

The exchange of ratifications of this convention shall take place in the city of Buenos Aires with the shortest delay possible.

In faith whereof the plenipotentiaries have signed and sealed duplicate copies in the city of Montevideo on the 6th day of September of the year 1903.

[L. S.] MARIANO DEMARIA.
[L. S.] JOSÉ ROMEU.

Law No. 4329.

DEPARTMENT OF FOREIGN AFFAIRS AND WORSHIP,
Buenos Aires, August 25, 1904.

Whereas the Senate and Chamber of Deputies of the Argentine Republic in Congress assembled, etc., have sanctioned with the force of—

Law.

ARTICLE I. Let it be approved, the convention signed in the city of Montevideo the 7th day of September, 1903, by the plenipotentiaries of the Argentine Republic and of the oriental Republic of Uruguay, for the purpose of abolishing the authentication of signatures in letters rogatory in civil and criminal cases, issued by the courts of both countries, when they shall have proceeded through the intermediary of the diplomatic agents or, in their default, of the consuls.

ARTICLE II. Let it be communicated to the executive power.

Given in the hall of sessions of the Argentine Congress in Buenos Aires the 12th of August, 1904.

N. QUIRNO COSTA.
BENJAMIN VICTORICA.
A. LABOUGLE,
Secretary of the Senate.
A. M. TALLAFERRO,
Pro Secretary of the Chamber of Deputies.

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Wherefore let it be a law of the nation, let it be communicated to and published in the Official Bulletin and given to the National Registry.

ROCA,
J. A. TERRY.

Whereas having seen and examined the aforesaid convention and it having been approved by the honorable National Congress by law No. 4329, of the 12th of August, 1904, to be inscribed, I accept it, confirm and ratify it, promising and binding myself, in the name of the nation, to fulfill and cause to be fulfilled faithfully its conditions.

In testimony of which I have signed with my hand the present instrument of ratification, sealed with the great seal of the arms of the Republic, and countersigned by the minister in the department of foreign affairs and worship.

Given in the city of Buenos Aires, the capital of the Argentine Republic, on the 12th day of the month of September, in the year 1907.

J. FIGUEROA ALCORTA.
E. S. ZEBALLOS.

Act of exchange.

The minister of foreign affairs of the Argentine Republic, His Excellency Dr. Estanislao S. Zeballos, and His Excellency Dr. Eduardo Acevedo Diaz, envoy extraordinary and minister plenipotentiary of the oriental Republic of Uruguay, having met with the object of proceeding to the exchange of ratification of the convention, signed in the city of Montevideo, the 18th of September, 1903, by the envoy extraordinary and minister plenipotentiary of the Argentine Republic, Dr. Mariano Demaria, and the minister of foreign affairs of the oriental Republic of Uruguay, Dr. José Romeu, for the suppression of the authentication of signatures in letters requisitorial and letters rogatory in civil and criminal cases which shall be exchanged between the courts of either country through their respective diplomatic agents or in their default through the consuls, having examined their full powers which were found to be in good and due form, and after having read the instruments of ratification presented containing the text of the convention indicated, which they find in agreement with each other, and with the respective originals, verify the exchange in due form.

The plenipotentiaries above mentioned direct that the present act, which they have signed and sealed in the city of Buenos Aires on the 4th day of the month of October, 1907, shall go into effect.

E. S. ZEBALLOS.
E. ACEVEDO DIAZ.

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AUSTRIA-HUNGARY.

MILITARY SERVICE OF PETER SZATKOWSKI.

File No. 2887.

The Acting Secretary of State to Ambassador Francis.

No. 58.] DEPARTMENT OF STATE,
Washington, December 14, 1906.

SIR: I inclose, for appropriate action and report, copy of a letter from Mr. F. C. Miklinski, of Pittsburg, stating that his cousin, Peter Szatkowski, a naturalized citizen of the United States, on a visit to Austria, has been impressed into the Austrian army.

A copy of Mr. Szatkowski's passport application is also inclosed. The fact, place, and time of naturalization, as stated in the application, were duly verified and passport No. 17620 issued accordingly, July 2, 1906.

I am, etc.,

ROBERT BACON.

[Inclosure.]

Mr. Miklinski to the Secretary of State.

[Extract.]

PITTSBURG, PA., *December 4, 1906.*

HONORABLE SIR: About two months ago my cousin, Peter Szatkowski, went to Europe to visit our other relatives, who are yet so unfortunate as to be under Austrian rule. I have to-day received a letter from him in which he notifies me that he has been impressed in the Austrian army and is serving in the Forty-fifth Regiment, Twelfth Company, in the town of Sanok, Galicia, Austria.

Mr. Peter Szatkowski arrived in America as a small child, got naturalized, and when he went for his visit had an American passport with him.

I hope that our ambassador at Vienna will take this matter up with the Austrian Government and enable him to return to his American allegiance.

Thanking you in advance for your kindness, I remain,

Very truly, yours,

F. C. MIKLINSKI.

P. S.—Under existing treaty of ours and Austria he is exempt of service in Austrian army.

File No. 2887/1.

Ambassador Francis to the Secretary of State.

No. 135.] AMERICAN EMBASSY,
Vienna, December 31, 1906.

SIR: I have the honor to acknowledge receipt of the department's No. 58, dated December 14, 1906, relative to the case of Peter Szatkowski, a naturalized citizen of the United States, who, on a recent visit to Austria, was impressed into the Austrian army.

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The attention of the ministry of foreign affairs will be called to-day to the facts in the case and Mr. Szatkowski's immediate dismissal from the army requested.

I am, etc.,

CHARLES S. FRANCIS.

File No. 2887/2–3.

Ambassador Francis to the Secretary of State.

[Extract.]

No. 237.] AMERICAN EMBASSY,
Vienna, May 27, 1907.

SIR: Supplementing my No. 135, dated December 31, 1906, relative to the impressment into the Austrian army of Peter Szatkowski, a naturalized citizen of the United States, I have the honor to inclose (with translation) copy of a note received to-day from the ministry of foreign affairs announcing that Mr. Szatkowski was released from service in December, and that steps had been taken for his full discharge from the Austrian army.

I am, etc.,

CHARLES S. FRANCIS.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Francis.

IMPERIAL ROYAL MINISTRY OF FOREIGN AFFAIRS,
Vienna, May 26, 1907.

In continuation of his note of February 4, 1907 (No. 8457/7), concerning the case of the naturalized American citizen, Peter Szatkowski, the undersigned, on the basis of a communication that had been sent him by the imperial royal ministry for national defense, begs to inform his excellency, the ambassador of the United States of America, Mr. Charles S. Francis, that Peter Szatkowski, born at Krolik Polski, district Sanok, in the year 1879, and now an American citizen, was released on leave from service in the Imperial and Royal Infantry, Regiment No. 45, on December 6, 1906, and that steps have already been taken for his complete discharge from the army.

The above-named Szatkowski was conscripted through his own fault, because he gave the year of his birth as 1881 and was in consequence taken for his brother Andreas (who is now in America) and as such was conscripted. The steps for his discharge have been delayed until his identity could be proved.

The undersigned avails himself, etc.,

For the minister: CALL.

File No. 2887/4–5.

Ambassador Francis to the Secretary of State.

No. 391.] AMERICAN EMBASSY,
Vienna, December 6, 1907.

SIR: In my No. 237, dated May 27, 1907, supplementing my No. 135, dated December 31, 1906, I informed the department that, upon my request at the foreign office, Peter Szatkowski, a naturalized American citizen who had been impressed into the Austrian army, had been released. I inclosed copy of a note received from the ministry of foreign affairs announcing that Mr. Szatkowski was released from service in December and steps had been taken for his full discharge from the Austrian army.

I inclose the copy of a note received to-day from the foreign office (with translation) informing this embassy that the imperial and

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royal ministry of the military courts had announced, after investigation, that Mr. Szatkowski is no longer bound to serve in the army, and consequently all his papers have been returned to him.

I have, etc.,

CHARLES S. FRANCIS.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Francis.

VIENNA, *December 4, 1907.*

Supplementing my note of May 26 (I. J. Z., 38915/7), the undersigned has the honor to inform your excellency, envoy extraordinary and plenipotentiary of the United States of America, Mr. Charles S. Francis, through information received from the imperial and royal minister of the military courts, after investigation, that Peter Szatkowski is no longer bound to serve in the army, and for that reason all his papers have been returned to him.

The undersigned takes this opportunity, etc.,

For the minister: LAD. MULLER.

REQUEST FOR OBSERVANCE BY THE SEVERAL STATES OF THE PROVISION OF ARTICLE XVI OF THE CONSULAR CONVENTION CONCERNING NOTICE OF DECEASED AUSTRO-HUNGARIANS IN THE UNITED STATES WHOSE HEIRS OR EXECUTORS ARE UNKNOWN.

File No. 6847.

The Ambassador of Austria-Hungary to the Secretary of State.

[Translation.]

No. 1087.] AUSTRO-HUNGARIAN EMBASSY,
Washington, May 30, 1907.

YOUR EXCELLENCY: I am informed by my Government that reports have been received from almost all the Austro-Hungarian consulates in the United States to the effect that the local authorities of the various States, with the exception of Michigan, do not give notice to the said consulates of the death within their States of Austrian or Hungarian citizens whose heirs or executors are unknown. On the contrary, cases are continually occurring in which American probate judges either fail to reply to communications from the consulates relating to deaths and estates of Austrian and Hungarian citizens, or else merely acknowledge their receipt or promise to give such notices in future, but neglect to do so.

Inasmuch as, in accordance with Article XVI of the consular cenvention concluded on June 11, 1870, between Austria-Hungary and the United States, "when an Austrian or a Hungarian dies in the United States or an American citizen in Austria or Hungary and the heirs or executors designated by them are unknown, the proper local authorities shall notify this circumstance to the consul or consular agent of the nation to which the deceased belonged, in order that the matter may be immediately communicated to the parties concerned," I have the honor to avail myself of your excellency's kind offices in imparting such instructions as you may deem appropriate to the end that the proper authorities of the several States, with the exception of Michigan, may be reminded of the duty

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to report such matters as stipulated in Article XVI of the aforementioned consular convention.

While further beseeching your excellency to advise me regarding the measures which you have found it necessary to take in compliance with the foregoing request, I embrace this opportunity, etc.

HENGELMULLER.

File No. 6847/1–2.

The Ambassador of Austria-Hungary to the Secretary of State.

[Translation.]

No. 1156.] AUSTRO-HUNGARIAN EMBASSY,
Washington, June 12, 1907.

EXCELLENCY: I have the honor to acknowledge, with thanks, the receipt of your valued communication, No. 257, of the 8th instant, and to append hereto a corrected list [a] of the districts and incumbents of imperial and royal consular offices in the United States and its insular possessions.

I have to add, at the same time, that my Government has received no complaint of the character described in my note, No. 1087, of the 23d [30th] ultimo from the consular officers in Porto Rico, Hawaii, and the Philippine Islands.

Accept, excellency, etc., HENGELMULLER.

File No. 6847/1–2.

The Acting Secretary of State to the Chargé of Austria-Hungary.

No. 261.] DEPARTMENT OF STATE,
Washington, June 22, 1907.

SIR: I have the honor to acknowledge the receipt of the ambassador's No. 1156, of the 12th instant, transmitting, in reply to the department's No. 257, of the 8th instant, a corrected list of the imperial and royal consular districts and officers in the United States.

The department will now have pleasure in complying with the request contained in the ambassador's note No. 1087, of the 30th ultimo, in regard to notifying the different States of the Union of the requirement of Article XVI of the consular convention of June 11, 1870, between the United States and Austria-Hungary.

Accept, etc.,

ROBERT BACON.

File No. 6847.

The Acting Secretary of State to the Governors of the States.

DEPARTMENT OF STATE,
Washington, June 27, 1907.

His Excellency the Governor of ———,
——— ———.

SIR: Referring to the department's circular letter of July 14, 1893, I have the honor to recall to your attention the fact that Article XVI of the consular convention of July 11, 1870, between the United

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[a] Not printed.

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States and Austria-Hungary (a copy of which is appended) provides that in the case of the death of an American citizen in Austria or Hungary, or of a subject of Austria-Hungary in the United States, who has no known heir or testamentary executor designated by him, the competent local authorities shall give notice of the fact to the consuls or consular agents of the nation of the deceased, in order that the information may be at once transmitted to the parties interested.

The Austro-Hungarian embassy at this capital alleges that the local authorities of the States of this Union fail in many instances to comply with the stipulations of this article, under which it becomes their duty to notify the Austro-Hungarian consular officer of the death of any subject of Austria-Hungary in the United States without known heirs or testamentary executor designated by him which may occur within their jurisdiction.

I have the honor to ask that you will kindly bring the provisions of the article in question to the attention of the competent local authorities in your State, in order that its stipulations may be complied with.

A list of the Austro-Hungarian consular officers in the United States and of their districts is also appended.

I have the honor to be, sir,

Your obedient servant, ALVEY A. ADEE,

[Appendix 1.]

Article XVI of the consular convention between the United States and Austria-Hungary, concluded July 11, 1870.

ARTICLE XVI.

In case of the death of a citizen of the United States in the Austrian-Hungarian Monarchy, or of a citizen of the Austrian-Hungarian Monarchy in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the consuls or consular agents of the State to which the deceased belonged, of the circumstances, in order that the necessary information may be immediately forwarded to the parties interested.

[Appendix 2.]

Austro-Hungarian consular officers in the United States.

State.	Residence.	Name, rank, and jurisdiction.
Alabama	Mobile	W. F. Stoutz, consul.
Alaska		See California.
Arizona		Do.
Arkansas		See Missouri.
California	San Francisco	Francis Korbel, consul for California, Nevada, Oregon, Idaho Utah, Washington, Arizona, and Alaska.
Colorado		See Missouri.
Connecticut		See New York.
Delaware		See Maryland.
Florida	Pensacola	H. Baars, vice-consul.
Georgia	Savannah	Edward Karow, vice-consul for Georgia and South Carolina.
Hawaii	Honolulu	Federico A. Schaefer, acting consul.[a]
Idaho		See California.
Illinois	Chicago	Alexander Nuber von Pereked, consul-general for Illinois, Iowa, Nebraska, North Dakota, South Dakota, Montana, Wyoming, and Indiana; also temporary jurisdiction for States of Michigan, Minnesota, and Wisconsin.

[a] Temporary recognition.

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Austro-Hungarian consular officers in the United States—Continued.

State.	Residence.	Name, rank, and jurisdiction.
Indiana		See Illinois.
Iowa		Do.
Kansas		See Missouri.
Kentucky	Louisville	Vacant; for Kentucky and Tennessee. Temporarily under the jurisdiction of the consul at Richmond, Va.
Louisiana	New Orleans	Francis Hindermann, consul for Louisiana and Mississippi.
Maine		See Massachusetts.
Maryland	Baltimore	Louis Hester, consul for Maryland and Delaware.
Massachusetts	Boston	Arthur Donner, consul for Massachusetts, Maine, Vermont, and New Hampshire.
Michigan		See Wisconsin and Illinois.
Minnesota		Do.
Mississippi		See Louisiana.
Missouri	St. Louis	Ferdinand Diehm, consul for Missouri, Arkansas, Kansas, Colorado, Oklahoma, and New Mexico.
Montana		See Illinois.
Nebraska		Do.
Nevada		See California.
New Hampshire		See Massachusetts.
New Jersey		See New York.
New Mexico		See Missouri.
New York	New York City	Baron Otto Hoenning O'Carroll, consul-general for New York, Connecticut, New Jersey, and Rhode Island.
North Carolina		See Virginia.
North Dakota		See Illinois.
Ohio	Cleveland	Ludwig von Jeszensky, vice-consul for the counties of Ashland, Ashtabula, Coshocton, Crawford, Cuyahoga, Delaware, Erie, Fulton, Geauga, Hancock, Henry, Holmes, Huron, Knox, Lake, Licking, Lorain, Lucas, Marion, Medina, Morrow, Ottawa, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Wayne, Williams, Wood, and Wyandot.
	Cincinnati	Vacant; for the other counties of the State of Ohio. Temporarily under the jurisdiction of the vice-consulate in Cleveland.
Oklahoma		See Missouri.
Oregon		See California.
Pennsylvania	Philadelphia	Dr. Theodor von Thodorovich, consul for the counties of Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe-Montgomery, Montour, Northampton, Northumberland, Perry, Pike, Philadelphia, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming.
	Hazleton	Vacant; for the counties of Schuylkill and Sullivan. Temporarily under the jurisdiction of the consulate at Philadelphia.
	Pittsburg	Michael Ritter von Straszewski, vice-consul for the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Center, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland.
Philippine Islands	Manila	Peter Krafft, consul.
Porto Rico	San Juan	John D. Stubbe, consul.
Rhode Island		See New York.
South Carolina		See Georgia.
South Dakota		See Illinois.
Tennessee		Temporarily under the jurisdiction of the consulate in Richmond, Va.
Texas	Galveston	John Reymershoffer, consul for the State of Texas.
Utah		See California.
Vermont		See Massachusetts.
Virginia	Richmond	Christophorus Borchers, consul for the State of Virginia. Temporary jurisdiction for the States of Kentucky, North Carolina, and Tennessee.
	Norfolk	Vacant; temporarily under the jurisdiction of the consulate in Richmond.
Washington		See California.
Wisconsin	Milwaukee	Vacant; for the States of Michigan, Minnesota, and Wisconsin. Temporarily under jurisdiction of the consulate-general in Chicago, Ill.
Wyoming		See Illinois.

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UNIVERSAL SUFFRAGE IN AUSTRIA.

File No. 3831.

Ambassador Francis to the Secretary of State.

No. 133.] AMERICAN EMBASSY,
Vienna, December 28, 1906.

SIR: The question of universal suffrage in Austria has been a subject that has commanded the closest attention of the people of this Monarchy during the last year. Public opinion generally, outside of the circles of nobility and of the large landowners' class has enthusiastically favored the measure.

In November last the so-called "Franchise reform bill" was considered by the Lower House of Parliament, the Chamber of Deputies, and during debate many interesting sessions of that body occurred in which acrimonious charges and countercharges were made against each other by prominent members. The situation became acute, and was only relieved when Emperor Francis Joseph called together at the imperial palace the political leaders and strenuously advised the prompt passage of the reform measure; and it was a significant fact that the Chamber of Deputies passed the bill by a large majority on the fifty-eighth anniversary of His Majesty's accession to the throne—December 1.

The Upper House of Parliament, or House of Peers, progressed the franchise bill through a second reading, but declined to place it on final passage until the Chamber of Deputies agreed to vote for an amendment to the constitution which would give the Emperor the authority to appoint for life not more than 170 nor less than 150 members of the higher legislative body. This pledge has already been given by the Austrian premier, Baron Beck. It is believed the Chamber of Deputies will surely pass such a bill within a few weeks and the House of Peers act affirmatively on the franchise reform measure, thus assuring to Austria in the near future the universal right of suffrage to every male above 24 years of age.

The proposed legislation, in order to avoid the conflicts which have frequently occurred in the past among the ten races residing in Austria, provides that separate constituencies shall be organized for electors of different races, so that Czech voters on a Czech register will vote only for a Czech, Germans will only vote for a German candidate, etc., and seats in the Chamber of Deputies will be allotted to the various races according to population and taxpaying capacity. In this way electoral struggles will be confined to political parties within racial limits, and the originators of the plan believe that it will afford the different races in Austria opportunities of compromise and agreement among themselves and prevent the open racial quarrels in the Chamber of Deputies that have so conspicuously marked past sessions of that legislative body.

Austria is a country of multitudinous political parties, as will be observed when it is stated that upon the final passage of the franchise reform act in the Chamber of Deputies the supporters of the measures included German Radicals, the Young Czechs, Poles, most of the German Progressives, the Christian Socialist Antisemites, most of the Catholic Center, the Southern Slavs, Italians, Social Democrats, and one Rumane. Those opposing the bill were the German Consti-

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tutional party of the large landed proprietors, with whom certain special privileges will be eliminated; the Bohemian Feudal party, the Pan-Germans, the Liberal Slovenes, the Czech Clericals, and a few German Progressives.

It is said that the new Parliament, elected under the provisions of the franchise reform bill, will probably be more clerical in its composition than its predecessors have been, and, as a consequence, there will be less likelihood of "deadlocks" similar to those that have so marked many previous sessions of the Austrian national assembly.

I have, etc.,

CHARLES S. FRANCIS.

File No. 3831/1.

Ambassador Francis to the Secretary of State.

No. 157.] AMERICAN EMBASSY,
Vienna, January 25, 1907.

SIR: Supplementing my No. 133, dated December 28, 1906, I have the honor to report that yesterday the Austrian House of Peers passed the statute amendment bill modifying the constitution of 1867 in accordance with the proposed universal suffrage law. The franchise reform bill, having already passed both Houses of Parliament only requires the signature of the Emperor to become operative.

The Austrian premier, Baron Beck, in a vigorous speech, declared that universal suffrage legislation was absolutely necessary and that Austria was confronted by many problems demanding serious consideration, the most important of which was the settlement of its relations with Hungary, to the end that a more friendly feeling might exist between the two countries.

I have, etc., CHARLES S. FRANCIS.

File No. 3831/2.

Ambassador Francis to the Secretary of State.

No. 231.] AMERICAN EMBASSY,
Vienna, May 17, 1907.

SIR: Supplementing my dispatch No. 133 of December 28, 1906, in which I announced the passage of the universal franchise bill and the introduction of universal suffrage into Austria, I have the honor to report that the first general election under the new system was held on May 14.

This election occurred throughout Austria, except in several districts in Galicia and in Dalmatia where, for local reasons, in certain parts of those two provinces the election will be continued for about four weeks. Also in certain other districts a second ballot will be required, which will take place on the 23d of the present month.

Four hundred and thirty-nine seats, out of the 516 in the new chamber, were contested, as well as 36 seats in Galicia and 4 in Dalmatia. Polling began at 6 a. m. and, except in the densely populated centers, ceased at 5 p. m. The ballot was secret, and the counting did not begin until the last vote had been polled.

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Each polling station was superintended by an election commissioner appointed by the authorities, and the election itself was managed by an electoral commission, composed of three nominees of the municipal council, three nominees of the commissioner, and a seventh chosen by the other six. Electioneering had been prohibited by law within a certain radius of each polling place. Police were stationed at every booth, but the election proceeded quietly without any violence or disorder.

A full vote was assured, as voting was an obligatory duty, every citizen entitled to vote being obliged to exercise that franchise or to pay a fine varying from 1 to 50 kronen unless he could prove before a magistrate a satisfactory reason for the nonfulfillment of that duty.

As regards the composition of the new Parliament, socialism has gained strongly and the Pan-Germans have suffered a reverse. In Bohemia the purely racial candidates, both Czech and German, were generally defeated by the Social Democrats. So far as can now be determined the new chamber will be composed chiefly of Socialist and Clerical members, with a very large Socialist majority.

It would seem to be certain that the Chamber of Deputies, with its large Socialist majority, and the House of Peers, controlled by the German constitutional party of large landed proprietors, will not agree in matters affecting governmental policies.

It may be said that, apparently, universal suffrage has made a most notable entrance into Austria. The election was characterized by perfect order and absolute quiet, and, though the action of the new chamber can alone warrant a definite judgment as to the actual effects of the great reform, the circumstances attending its inception have developed unexpected political conditions in the national legislature.

The new Parliament will meet June 13 for a summer session which promises to be the most interesting that has been held in Austria for many years.

It is practically certain that when the final balloting for delegates is concluded a reconstruction of the present Beck cabinet, in accordance with the exigencies of the new situation, will be necessary.

I am, etc.,

CHARLES S. FRANCIS.

FOREIGNERS KILLED OR INJURED WHILE IN THE SERVICE OF THE UNITED STATES GOVERNMENT.

Memorandum from the embassy of Austria-Hungary.

AUSTRO-HUNGARIAN EMBASSY,
Washington, April 1, 1907.

1. Gobo Biljetina, also known under the name of Guy Bearton, a Hungarian citizen, who was employed as a laborer by the engineer office, United States Army, Pittsburg, Pa., was hurt by a crane while at work on the Dam No. 4 on the Ohio River on the 26th of July, 1906; the injuries received were of such a grave nature that he had to stay at the hospital during fifty-nine days and that he is now a disabled cripple.

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2. Stephan Sutej, a Hungarian citizen, also in the employ of the Federal Government, was killed while at work on the Dam No. 4 on the Ohio River near Legionville, Pa., through a boiler explosion on September 13, 1906. He left surviving him a widow and two children, who are thrown upon the public charity for a living. Lieut. E. N. Johnson has permitted the widow to remain in the lodging assigned before to her deceased husband, which, however, she will have to vacate in the near future.

As it seems that these two cases deserve to be recommended to the mercy of the President or of the Congress of the United States, the Austro-Hungarian embassy takes the liberty confidentially to inquire whether an application for the purpose would be kindly received by the Department of State.

Memorandum to the embassy of Austria-Hungary.

DEPARTMENT OF STATE,
Washington, June 1, 1907.

With further reference to the memorandum of the Austro-Hungarian embassy, dated April 1, 1907, and the memorandum of the Department of State of April 6, in regard to the cases of the Hungarians, Gobo Biljetina, alias Guy Bearton, and Stephan Sutej, employed in the service of the Government of the United States, the former of whom was seriously injured and the latter of whom was killed while at work on Dam No. 4 on the Ohio River, the Department of State has the honor to advise the Austro-Hungarian embassy of the reply of the War Department in the premises.

From a report of May 4, 1907, from the United States Engineer office at Pittsburg, Pa., it appears that the accidents referred to in the memorandum occurred while the work on Dam No. 4, Ohio River, was in progress under the immediate charge of First Lieut. E. N. Johnston, Corps of Engineers, who reports the circumstances as follows:

Case of Gobo Biljetina, alias Guy Bearton.—This man was employed at Dam No. 4, Ohio River, as laborer, from July 10 to July 26, 1906. On July 26 he was injured, his leg being struck by a piece of timber which was knocked against him by another stick of timber which was being pulled by a cableway and which suddenly slipped and caused the accident. The overseer in immediate charge of the job, Mr. Olford F. Ruse, stated that when a contractor's noon whistle blew, Bearton left his work before being dismissed for the noon hour; he went away a short distance and was then stopped by a call from the overseer. He was standing still when the accident occurred. The overseer stated that if he had remained where he was supposed to be, he would not have been hurt. I personally saw him hit by the timber, as I happened to be passing at the time.

I arranged for his care at the dam by a surgeon and for his being sent to the Allegheny General Hospital, at Allegheny, Pa., where he was cared for without cost to him, I believe. A letter from the surgeon of the hospital was forwarded to your office on November 27, 1906, from which letter the facts of his treatment and discharge from the hospital, etc., can be learned. I believe that the surgeon stated that no permanent disability would result from Guy Bearton's injuries.

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After his discharge from the hospital, Guy Bearton walked up a high and steep flight of stairs to the office on the second floor of the power house at Dam No. 4 and asked to have his check sent to him at Fallston, Pa.

I have no present knowledge of his whereabouts.

Case of Stephan Sutej, alias Steve Sutel.—This man was employed at Dam No. 4, Ohio River, as laborer, from July 10 to October 13, 1906. He was killed by the explosion of boiler of the government pumpboat *Old Slackwater.* He was quartered in a small building on the government reservation and left a wife who had just arrived from Austria with her two young children. Sutej, being quartered on the reservation at the time of his death, was buried at government expense. There was due him at the time of his death in wages the sum of $18.70. In conformity with the decisions of the Comptroller of the Treasury, this amount has necessarily been retained by the Government as part payment of the burial expenses, etc. Mrs. Barbara Sutej has no visible means of support, but the commissioners of Beaver County, Pa., offered her a home at the county poor farm, and to find homes for her children. This offer she refused to accept, and they then offered her monthly orders for provisions, to continue for a limited time.

It is my understanding that the United States does not undertake to guarantee the fidelity or capability of any of its employees, and that the executive departments have no authority to settle a claim for damages in the case of a workman injured or killed while on government work, whether the injuries or death be caused by unavoidable accident or otherwise.

Under these circumstances, the Department of State regrets that it would be compelled to say, in response to an application addressed to the bounty of the Government that it is not within the competence of the department to afford relief in cases of this character.

IMPERIAL SPEECH TO PARLIAMENT.

Ambassador Francis to the Secretary of State.

No. 257.] AMERICAN EMBASSY,
Vienna, June 22, 1907.

SIR: I have the honor to report that the new Austrian Parliament was opened by Emperor Francis Joseph in the hall of ceremonies in the imperial palace on the 19th instant. Every political party was represented in the assembled delegates of both houses of this National Legislature; even the socialist members were present—the first time they had been permitted to attend such a function in the Hofburg.

His Majesty's address, read from the throne, to the recently elected Parliament touches upon all prominent subjects affecting the country, such as the language question, reforms in official administration, the economic condition of the state, agriculture, railways, public schools, education, state finance, legal reforms, etc., but the topics alluded to by the Emperor that commanded the most attention were His Majesty's allusions to the preservation of the Pragmatic Sanction and the union with Hungary, to the preservation of peace with all nations, and to the love and devotion that had been shown him by his subjects during his long reign.

The speech was a strong appeal to the new Parliament to ever keep in mind the higher interests of the country and to seek in all things peace, concord, and the common good.

"It is my most lively desire," said the Emperor, "to leave when the time shall come, as a precious inheritance to my peoples the

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assured existence of their national possessions, and thereby to guarantee to all a national peace that may become a joint treasure of all lovers of the fatherland. Upon my Government I have urged the duty of turning to this end its whole strength, and to all who hold dear their popular characteristics and the weal of the state I address the plea that they will cooperate with entire devotion in the attainment of this goal."

In treating the subject of universal suffrage His Majesty said the reform is "based on my trust in the loyalty of my peoples to the state. It will be the especial task of the newly elected chamber to justify my confidence and to prove that a comprehensive widening of the juridical foundations of political life may go hand in hand with a concentration and increase of the state's political power. For the right to participate in decisions creates coresponsibility for the fate of the whole body politic. I expect, therefore, that the popular representation yielded by universal suffrage will be penetrated by the consciousness of its duties toward the state, and will, together with my Government, provide for state needs and be fertile in work for the welfare of our country."

In referring to the relations between the countries of the dual monarchy the Emperor declared their political unity must exist under all conditions, unchanged by future generations, and it would be of the greatest value if this relationship could be placed on a firm basis while adhering to, so far as possible, its traditional forms. He added: "In all circumstances the leading idea must be that the political tie between the two states, a tie hallowed by centuries of common history and firmly knit and preserved by the Pragmatic Sanction, shall be conserved unimpaired for future generations. Therefore while duly respecting the autonomous rights of both parties, all loosening of relationship, economic as well as political, must be avoided, were the loosening such as to involve peril for the future of the Pragmatic Communion."

The Emperor declared that armed strength is the strongest protection for economic activity and the best guardian of peace, and concluded his half-hour address by saying, with much feeling: "Through the grace of Providence it has been vouchsafed to me to lead two generations of my peoples. I have seen the toils of my princely office rewarded by a love and loyalty tried in all the vicissitudes of destiny and by my peoples' progress in well-being and civilization. To further this progress and well and truly to administer the inheritance of the glorious history of our fathers is the task to which I have dedicated my whole life. With this same goal before your eyes you will find the way to concord and internal peace, which to see assured I should esteem the highest favor of fate. May the reconciling spirit of love of the common fatherland brood over your work, and may the blessing of the Almighty accompany you therein."

The impression produced on the public is that His Majesty felt compelled to deliver this address, generally considered to have been the most impressive appeal ever made by the Emperor to his people, and that this last "speech from the throne" marks an important event in the history of the House of Hapsburg.

I am, etc.,

CHARLES S. FRANCIS.

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By the President of the United States of America.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in Austria the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of that country:

Now, therefore, I, Theodore Roosevelt, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the subjects of Austria.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 20th day of September, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States of America the one hundred and thirty-second.

[SEAL.] THEODORE ROOSEVELT.

By the President:
ELIHU ROOT,
Secretary of State.

ADMISSION OF AMERICAN MEATS INTO AUSTRIA.

[Continued from Foreign Relations, 1906, p. 43, et seq.]

File No. 821/17-19.

Ambassador Francis to the Secretary of State.

No. 175.] AMERICAN EMBASSY,
Vienna, February 16, 1907.

SIR: Referring to your No. 69,[a] dated January 12, 1907, with reference to the question of the admission of American meats in Austria,

[a] Not printed.

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I have the honor to inclose copies of my letters on the subject to Baron Aehrenthal, imperial and royal minister of foreign affairs, dated November 6, 1906, and February 16, 1907.

The reply of the minister of foreign affairs will be forwarded to you immediately upon its receipt.

I am, etc., CHARLES S. FRANCIS.

[Inclosure 1.]

Ambassador Francis to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Vienna, November 6, 1906.

YOUR EXCELLENCY: Referring to the esteemed note of the imperial and royal ministry for foreign affairs (No. 53, 723/9), dated August 7, 1906, I most respectfully call the attention of the Austrian Government to the fact that the American Government has recently passed a law prohibiting the exportation of any meats which have not been inspected by government officials and which, when sent to the continent of Europe, are unaccompanied by a certificate of inspection.

This law became operative October 1, 1906, and in order that the Austrian Government may be convinced that all previous objections to entry have been met and effectively overcome, I beg to inclose copies of the following official publications:

(1) Regulations governing the meat inspection of the United States Department of Agriculture.

(2) Regulations governing the examination and relabeling of meats and meat-food products on hand.

(3) Regulations governing the transportation of meat in interstate and foreign commerce.

(4) Regulations governing the interstate and foreign transportation of meats and meat-food products prepared with preservatives prior to October 1, 1906, and amending regulation No. 45, governing the transportation to a foreign country of meats and meat-food products.

(5) Amending regulations 22, 23, 24, and 25, governing the labeling of carcasses in establishments where inspection is maintained; amending regulation 41, governing entrance of unmarked fats into establishments where inspection is maintained; and amending regulation 50, governing the examination and relabeling of meats and meat-food products.

Under the circumstances, I respectfully and earnestly suggest, through your excellency's kind mediation, that the decree of July 5, 1906, by the Austrian Government be modified so as to admit into its country meats which have been inspected and passed by officials of the United States, when accompanied by a certificate of such government inspection.

Availing myself, etc., CHARLES S. FRANCIS.

[Inclosure 2.]

Ambassador Francis to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Vienna, February 16, 1907.

YOUR EXCELLENCY: Under date of November 6, 1906, I respectfully called the attention of the Austrian Government, through your excellency, to the fact that the American Government had recently passed a law prohibiting the exportation of any meats which have not been inspected by government officials and which, when sent to Europe, are unaccompanied by a certificate of inspection.

In order that the Austrian Government might be fully convinced that all previous objections to entry had been met and effectively overcome by this new law (which became operative October 1, 1906), I inclose for your excellency's perusal copies of various official publications containing the regulations governing the meat inspection; the examination and relabeling of meats and meat-food

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products on hand; the transportation of meat in interstate and foreign commerce, and the interstate and foreign transportation of meats and meat-food products prepared with preservatives prior to October 1, 1906, and amending regulation No. 45 governing the transportation to a foreign country of meats and meat-food products, etc.

In view of the changed conditions of inspection, transportation, etc., I renew the request I respectfully and earnestly made, that through your excellency's kind mediation the decree of July 5, 1906, be so modified by the Austrian Government as to admit within its borders meats which have been inspected and passed by government officials of the United States, when, in every case, accompanied by a certificate of such government inspection.

I trust your excellency will be able at an early date to assure me that such action has been taken by the Austrian Government.

I embrace, etc.,

CHARLES S. FRANCIS.

File No. 821/20–21.

Ambassador Francis to the Secretary of State.

[Extract.]

No. 211.] AMERICAN EMBASSY,
Vienna, April 10, 1907.

SIR: Referring to my No. 175 of February 16, 1907, I beg to report that up to date I have been unable to receive any reply from the Austrian Government through the common minister of foreign affairs to inquiries made by me November 6, 1906, and February 16, 1907, whether the decree of July 5, 1906, would be so modified as to admit into Austria meats and meat products that have been inspected and passed by government officials of the United States, in each case to be accompanied by a certificate of such government inspection. I had previously submitted copies of various government publications containing the regulations governing such inspection.

To-day I addressed Baron Aehrenthal again on the subject, copy of note inclosed.

The Austrians are distinctively meat eaters, and their country furnishes the almost exclusive market for Hungarian pork and beef.

Awaiting specific instructions as to my future action in this matter.

I have, etc.,

CHARLES S. FRANCIS.

[Inclosure.]

Ambassador Francis to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Vienna, April 10, 1907.

YOUR EXCELLENCY: I beg to respectfully call your excellency's attention to my note addressed to you, dated February 16, 1907 (F. O. No. 62), which remains unanswered. In such communication and in a previous note (dated November 6, 1906) I earnestly requested, through your excellency's kind mediation, that, in view of changed conditions of inspection, transportation, etc., the decree of July 5, 1906, be so modified by the Austrian Government as to admit within its territory American meats which have been inspected and passed by government officials of the United States—in each case accompanied by a certificate of such government inspection.

It is believed that all previous objections to entry raised by the Austrian Government have been met and effectively overcome by the new law, which became operative October 1, 1906, prohibiting the exportation of any meats to Europe

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which have not been duly inspected by government officials of the United States, and which are unaccompanied by a certificate of inspection.

I again respectfully and earnestly request at an early date information as to the position the Imperial Government of Austria assumes in the recognition of such inspection of meats by American government officials, and whether, by modification of the decree of July 5, 1906, such meats and meat products will be admitted within the borders of Austria when accompanied by the aforesaid guaranties of their purity.

I avail, etc., CHARLES S. FRANCIS.

File No. 821/24.

The Secretary of State to Ambassador Francis.

No. 157.] DEPARTMENT OF STATE,
Washington, October 25, 1907.

SIR: The department incloses herewith copy of letter from Messrs. Armour & Co., of Chicago, dated the 19th instant, complaining of the refusal of the Austrian Government to accept shipments of American pork meats unless accompanied by a United States certificate of microscopic inspection.

You are instructed to take this matter up at once with the Austrian Government, and to urge acceptance of importations of American salted meats upon production of the official certificate of inspection contemplated by the United States meat-inspection law of June 30, 1906. You may assure the Austrian authorities that the new system of official inspection of meats intended for export in this country is thorough, scientific, and stringent, and the certificate of inspection issued by the Department of Agriculture should be accepted by Austria-Hungary as a guaranty of the purity and wholesomeness of the products covered by it.

The microscopic inspection of salted pork for export to determine the presence or absence of trichinæ has been discontinued by the Department of Agriculture. It has been quite clearly shown that the usual methods of curing salted pork are sufficient to destroy any trichinæ which might be present. Under such conditions any trichinæ, if present, may be considered innocuous and the meat wholesome. The universal custom in the United States of cooking meat before eating, during which process trichinæ are easily destroyed, is another reason for the abandonment of microscopic inspection of pork.

I am, etc., ELIHU ROOT.

[Inclosure.]

Armour & Co. to the Secretary of State.

CHICAGO, *October 19, 1907.*

DEAR SIR: The Austrian Government declines to accept shipments of American pork meats without the microscopic inspection certificate. As you are aware, microscopic inspection was discontinued by the Department of Agriculture when the meat-inspection law of June 30, 1906, was enacted.

We could do a good business at the present time with Austria if our interstate certificates were accepted. The French Government has agreed to honor them, and we can see no good reason why the Austrian Government should not do likewise.

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Perhaps this matter has been brought to your attention and steps taken by our ambassador at Vienna to persuade the Austrian officials to accept our certificates. If so, we should be grateful if you would advise us what position the negotiations are now in; if not, we should be grateful if you would kindly send such instructions to our ambassador at Vienna as will put him in a position to put the matter fully before the Austro-Hungarian Government. Any assistance that we can render the ambassador through out agents is entirely at his and your service.

Thanking you in anticipation, we are, dear sir,

Yours, very truly,

ARMOUR & COMPANY.
M. E. EVANS.

File No. 821/26–30.

Ambassador Francis to the Secretary of State.

No. 373.] AMERICAN EMBASSY,
Vienna, November 14, 1907.

SIR: I have the honor to acknowledge the receipt of your No. 157, dated October 25, 1907, inclosing the letter from Messrs. Armour & Co., Chicago, dated October 19, complaining of the refusal of the Austrian Government to accept shipments of American pork meats unless accompanied by a United States certificate of microscopic inspection.

Your instructions to take this matter up at once with the Austrian Government, and to urge acceptance of importation of American salted meats, accompanied by official certificates of inspection, have been carefully noted and obeyed. I inclose copy of a note upon the subject addressed by me to-day to Baron von Aehrenthal, imperial and royal minister of foreign affairs; and, in this connection, I beg also to inclose copies of three previous notes addressed by me to him, which were supplemented, I might add, by several personal visits by me to the foreign office. Up to the present time no response has been received from the imperial government.

I am, etc.,

CHARLES S. FRANCIS.

[Inclosure.]

Ambassador Francis to the Minister for Foreign Affairs.

F. O. No. 129.] AMERICAN EMBASSY,
Vienna, November 14, 1907.

YOUR EXCELLENCY: I have the honor to call your attention to notes No. 31, of November 6, 1906; No. 62, of February 16, 1907; and No. 76, of April 10, 1907, addressed by me to your excellency, relative to the importation into Austria of American meats duly inspected, before exportation, by government officials of the United States, and accompanied in each instance by certificates of inspection issued by the Department of Agriculture.

In order to show that all previous objections to entry raised by the Austrian Government have been met and effectively overcome by the American law (which became operative October 1, 1906) prohibiting the exportation of any meats to Europe which have not been duly inspected by officials of the United States Government, I inclosed in one of my notes for your excellency's perusal copies of various official publications containing the regulations governing such meat inspection, the examination and relabeling of meats and meat-food products on hand, and the transportation of meats in interstate and foreign commerce.

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In view of the changed conditions of inspection, transportation, etc., I strenuously renew the request contained in my note to your excellency of April 10, 1907, which I had before respectfully and earnestly made, that, through your excellency's kind mediation, the Austrian Government should promptly admit within its borders American meats accompanied by government official certificates of their purity.

The condition at present required by the Austrian Government that all shipments of American pork meats are denied entry unless accompanied by a United States certificate of microscopic inspection, is equivalent to prohibition of entry. The Department of Agriculture, deeming them unnecessary, has discontinued the issuance of such certificates of microscopic inspection. It has been clearly shown that the usual methods of curing salted pork are sufficient to destroy any trichinæ, and I am authorized to assure the Austrian Government, through your excellency, that the present system of official inspection of meats in the United States intended for export is thorough, scientific, and stringent, and the certificate of such inspection issued by the Department of Agriculture should be accepted by Austria as a guaranty of the purity and wholesomeness of the products covered by it.

In expressing the hope that your excellency will be able at an early date to assure me that such guaranty issued by American government officials in the form of certificates of inspection, accompanying each shipment of pork meats, will be recognized by the Austrian Government.

I embrace, etc.,

CHARLES S. FRANCIS.

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BELGIUM.

BRUSSELS SUGAR CONVENTION OF MARCH, 1902.

File No. 7167.

Minister Wilson to the Secretary of State.

No. 183.] AMERICAN LEGATION,
Brussels, June 4, 1907.

SIR: I have the honor to advise the department that I have just been informed through unofficial but reliable channels that Great Britain has given notice to the Belgian Government, through its plenipotentiary here, of the conditional withdrawal of its adherence to the Brussels sugar convention signed at Brussels March 5, 1902.

At the present time I am unable to secure any additional facts relative to the withdrawal. It is possible that the attitude of Great Britain will lead to a movement for a modification of some of the articles of the convention.

Her action is supposed to be inspired by the demands of the new liberal government for a volteface on the policy pursued by Chamberlain on the sugar question.

Undoubtedly a new conference will result from the action of Great Britain.

I have, etc.,

HENRY LANE WILSON.

File No. 7167/7–8.

Minister Wilson to the Secretary of State.

No. 197.] AMERICAN LEGATION,
Brussels, July 8, 1907.

SIR: Referring to my No. 183, of June 4, I have now the honor to transmit, for the information of the department, a copy—in the French text—of the July number of La Sucrerie Belge,[a] which contains a discussion of the denunciation by the British Government of the Brussels sugar convention and of the causes which have led thereto.

In connection with the discussion an outline of the existing conditions of the sugar industry over the world, and especially in Belgium, is made.

It should be noted that the denunciation of Great Britain will not go into practical effect until September, 1908.

I have, etc.,

HENRY LANE WILSON.

[a] Not printed.

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File No. 7167/10–13.

Chargé Bliss to the Secretary of State.

[Extracts.]

No. 208.] AMERICAN LEGATION,
Brussels, August 10, 1907.

SIR: Referring to Mr. Wilson's Nos. 183 and 197, of June 4 and July 8, respectively, I have the honor to report the present status of the question arising from Great Britain's proposal to withdraw from the Brussels sugar convention of 1902.

As the department is already aware, the British Government has signified its willingness to continue its adherence to the convention in the event that a means may be found to release it from the obligation of applying the penalties which the convention imposes on bounty sugar.

Following an exchange of views between the Governments of Great Britain and of Belgium, it was agreed by the contracting parties that an effort should be made to meet the proposition of Great Britain, and to this end it was decided to hold a meeting of the permanent sugar commission in which the question was to be examined.

In the meetings of the commission, held at Brussels on July 25, 26, and 27, the proposition of Great Britain was studied and considered at length. From a reliable source I learn that the delegates generally showed a marked disposition to arrive at a means of retaining the adhesion of Great Britain.

The result of the deliberations of this meeting has been the drawing up of an additional act to the convention to be submitted for ratification by the several contracting parties.

I have, etc., ROBERT BLISS.

File No. 7167/16.

Chargé Bliss to the Secretary of State.

No. 216.] AMERICAN LEGATION,
Brussels, August 29, 1907.

SIR: Referring to this legation's Nos. 183, 197, and 203, of June 4, July 8, and August 10, respectively, I have the honor to report that the additional act, drawn up at the recent meeting of the permanent commission of the sugar convention, was signed yesterday on behalf of the adhering Powers by their diplomatic representatives accredited to Belgium.

I have, etc., ROBERT BLISS.

EMIGRATION AGENTS OF SOUTH CAROLINA, LOUISIANA, AND VIRGINIA IN EUROPE.

File No. 907/31–32.

Minister Wilson to the Secretary of State.

No. 175.] AMERICAN LEGATION,
Brussels, May 7, 1907.

SIR: As supplementary to my No. 167,[a] of April 7, I have the honor to transmit herewith a copy and translation of a note just

[a] Not printed.

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received from the Belgian minister for foreign affairs in which his excellency, adverting to the law on immigration passed by the last Congress, asks for definite information as to its character and scope.

His excellency the minister—as will be noted—desires to be authoritatively informed at as early a date as possible both as to the character of the law and the interpretation placed upon it by the Department of Justice.

Not having been furnished with any copies of the law nor with instructions of the department relative to its application, I have not been able to supply the information requested, and I deem it expedient—as suggested in my No. 167,[a] above referred to—to have some expression of the department's views.

I would also suggest that copies of the laws now in force be sent hither.

I have, etc., HENRY LANE WILSON.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Minister Wilson.

No. 1370.] MINISTRY OF FOREIGN AFFAIRS,
Brussels, May 3, 1907.

Mr. MINISTER: Your excellency kindly advised me on September 15, 1906, of the desire expressed by the Department of State at Washington to see the Government of the King facilitate the mission confided to Mr. E. J. Watson, chief of the bureau of immigration of South Carolina, with the object of securing for the said state a certain number of Belgian weavers and agriculturists.

The steps taken in our country by Mr. Watson established the fact that the larger part of the laborers disposed to go to South Carolina and seeming to have the necessary qualities to succeed there did not possess sufficient resources to pay the price of the passage for themselves and their families.

Consequently he requested from my department the authorization to advance to the families finding themselves in this condition the total or partial sum of the price of passage. The advances thus made were to be reimbursed by those interested in the course of the first six months or first year after their arrival in the United States.

Under date of October 4 last your excellency kindly transmitted to me a letter from Mr. Watson indicating the guaranties which he was disposed to give to the Government of the King if he were permitted to engage Belgian laborers.

My department authorized him, under those conditions, to make contracts, and since then several groups of Flemish weavers and agriculturists have been embarked for Charleston.

As your excellency is doubtless aware, the question has been raised in the United States to determine whether the conditions under which the State of South Carolina had brought over foreign laborers were not contrary to the provisions of the law of 1903 on immigration.

Mr. Earle, legal adviser of the Department of Commerce and Labor, has rendered the opinion that there has not been in this instance a violation of the legal provisions in force.

The new federal law, passed the 20th of February last, and which will go into effect the 1st of July next, prohibits, in a more precise manner than in the old law, the admission into the United States of persons whose passage may have been paid by individuals or by a group of individuals.

Moreover, my attention has been called to the opinion which the Attorney-General of the United States has just addressed to the governor of South Carolina.

The honorable Mr. Bonaparte specially points out that the inducement of emigration by offers, promises, etc., although contrary to the bill of 1903, was not a cause for expulsion. According to article 2 of the new law the immigrant arriving under these conditions will not be allowed to enter the country.

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In view of this same article, the different States of the Union will be allowed to continue to pay the passage of the immigrant, but the fact of societies, corporations, or associations contributing to this immigration fund, as appears to have been the case in Mr. Watson's mission, will constitute a cause for expulsion.

My department, by reason of the obligation incumbent upon it to protect Belgian emigrants, must guard as far as possible that those who desire to go to the United States should not be denied the privilege of disembarking upon their arrival.

The authorization formerly accorded to Mr. Watson to engage Belgian workmen can not, therefore, be continued unless my department has every guarantee as to the reception which will be accorded them.

I think that I can not do better under these circumstances than to have recourse to the obliging intermediary of your excellency in ascertaining if the conditions, under which the recruiting of laborers secured for South Carolina has been effected until the present time, can be continued without inconvenience, or what would be eventually the modifications necessary to make these conditions conform with the provisions of the new law.

The solution of this question presents a certain urgency since, according to information received at my department, Mr. Watson will shortly return to Belgium with the object of again engaging agricultural and industrial laborers.

I take this occasion, etc.,

FAVEREAU.

File No. 907/31–32.

The Secretary of State to Minister Wilson.

No. 110.] DEPARTMENT OF STATE,
Washington, June 14, 1907.

SIR: I have to acknowledge the receipt of your Nos. 167 and 175, dated respectively April 7 and May 7 last, and to inform you that the question of the employment of state agents to induce immigration from Europe is receiving the consideration of the Department of Commerce and Labor, and that when a conclusion is reached in the matter you will be informed thereof.

I am, etc., E. ROOT.

File No. 8195/4–5.

The Acting Secretary of State to the Belgian Chargé.

No. 461.] DEPARTMENT OF STATE,
Washington, October 12, 1907.

SIR: The department duly received your note of August 22[a] last, inquiring whether or not certain inducements being offered in Belgium by Mr. Charles Schuler, immigration agent of the State of Louisiana, are contrary to the spirit and intent of the immigration laws of the United States.

A reply to your note has been withheld awaiting an opinion from the Attorney-General on a pertinent case, pending at New Orleans, of an emigrant applying for admission in pursuance of a contract of the character described in the pamphlets which you inclosed.

I have now the honor to inclose herewith a copy of the opinion rendered in the case by the Attorney-General, by which you will see that for reasons stated therein the alien was held to be not entitled to admission into the United States.

Accept, etc., ALVEY A. ADEE.

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[a] Not printed.

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[Inclosure.]

The Secretary of Commerce and Labor to the Secretary of State.

51591/3. DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, October 8, 1907.

SIR: Referring to your letter of August 28[a] last (No. 8195/2), the receipt of which was acknowledged by this department on August 31,[a] I have the honor to inclose herewith a copy of an opinion handed down on September 30 by the Attorney-General in the case of the alien, Geronimo Garcia, which was brought by the Louisiana state board of agriculture and immigration with the object of testing the provisions of the immigration act of February 20, 1907, relating to the importation of alien laborers by States and Territories.

This opinion seems to furnish a reply to the inquiry of the chargé d'affaires ad interim of Belgium with regard to whether certain inducements being offered in Belgium by Mr. Charles Schuler, immigration agent of the State of Louisiana, are contrary to the spirit and intent of the immigration laws of this country.

I have, etc.,

OSCAR S. STRAUS.

[Subinclosure.]

The Attorney-General to the Secretary of Commerce and Labor.

DEPARTMENT OF JUSTICE,
Washington, September 30, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant in reference to the appeal of Geronimo Garcia, who has been excluded from the United States by a decision of the board of special inquiry at the port of New Orleans, in a test case brought by the Louisiana state board of agriculture and immigration, in which you recite the facts brought out by the testimony and request an expression of my opinion as to whether the admission of an alien to the United States under the circumstances thus recited would be in violation of the immigration act of February 20, 1907.

The facts as stated by you are as follows:

Geronimo Garcia arrived at the port of New Orleans from Cuba on August 5, 1907. His passage was paid by Mr. Reginald Dykers, who at the time was the regularly authorized agent of the Louisiana state board of agriculture and immigration, out of funds appropriated in regular manner by the state legislature. Mr. Dykers and a Mr. L. H. Allen, the latter also being a representative of the said board, approached the alien in Habana and solicited him to immigrate to the State of Louisiana, assuring him that employment as a farm laborer would be secured for him on his arrival in said State. In exchange for the passage money the alien gave to the said officials a receipt, in which he promised to return to the Louisiana state board of agriculture and immigration with a year the sum so advanced. It is the expectation of the state agent that in such cases, upon the alien's securing employment, his employer will loan him the amount necessary to reimburse that State and deduct the same from his wages; but no method has been provided whereby an employer can be compelled to make such loan, it being the intention of the state board to rely upon the moral obligation of the alien's promise to reimburse the State and not upon any legal measures against him or his employer. The alien is left free to select such employer as he pleases, although the expectation of the agent is that aliens selected by him under this plan will be of such a reliable class that they will usually seek employment from parties who can be depended upon to advance to the alien the amount of the passage and enable him to therewith reimburse the state fund. It also appears that, while the alien Garcia had seen advertisements published abroad by the Louisiana state board of agriculture and immigration, reciting the inducements the State of Louisiana offers for immigration thereto, he was not induced to come to the United States solely by reason of such inducements; nor was the sole inducement the fact that his

[a] Not printed.

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passage was paid by another, nor the fact, brought out in the testimony, that his father had previously come to this country. These facts operated to some extent, however, to lead him to endeavor to avail himself of the assurances given by the above-named agents that employment as a farm laborer would be secured for him on his landing in Louisiana.

Although the desire of the state agent is that Garcia, if landed, shall enter the employ of an individual planter who would be willing to loan him the cost of his passage and gradually deduct it from his wages, thus enabling said alien to immediately reimburse the state fund, he is, as above stated, left free to accept other employment if he so desires; and there is no evidence that shows positively that the said Garcia (or any other alien imported in accordance with the plan) might not, after landing, be employed by a corporation, association, or society, as freely and in the same manner as by an individual; suggesting a possibility that, under the indirect method of attempting to eventually secure reimbursement to the state fund of the amount of the alien's passage, a condition could arise which might, perhaps, be regarded as being, remotely but yet in effect, a payment of such passage by a corporation, society, or association.

Upon these facts I am of the opinion that Garcia is not entitled to admission into the United States.

1. It appears from this statement that representatives of the Louisiana state board approached Garcia in Habana and solicited him to immigrate to Louisiana, assuring him that employment as a farm laborer would be secured for him on his arrival, and that such assurances operated as a material, if not the principal, inducement to his immigration, since neither the advertisements published by the State, nor the payment of his passage, nor his father's previous coming, was the sole inducement to his coming, but these matters operated to some extent to lead him to endeavor to avail himself of the assurances of employment given him by the representatives of the state board.

Among the classes of aliens excluded by section 2 of the act of 1907 (34 Stat., 898) are "persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment, or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled." This provision, as stated in my opinion, rendered the President on March 20, 1907, excludes "aliens solicited or induced to immigrate by reason of offers or promises, even when there is no contract of employment." (26 Opin., 199, 207.)

The assurances given to Garcia by the state agents constitute, in my opinion, promises of employment within the inhibition of the statute. While it is provided that aliens coming to this conutry in consequence of advertisements by a State of its inducements to immigration shall not be treated as coming under a promise of employment (sec. 6), there is no exception in favor of a State in reference to specific promises of employment to individual immigrants, such as were held out to Garcia by the representatives of the state board. Neither is there any requirement in the act that the promises of employment, in order to work exclusion, must be the sole inducement to the immigration.

Therefore, since, as stated in my opinion rendered the President on March 6, 1907, the unquestionable right of Congress to regulate the admission of aliens into the United States clearly controls the action of any state agent in this respect (26 Opin., 180, 193), it follows that on account of the assurances of employment that were given to Garcia as an inducement to his immigration, he should be excluded from admission.

2. Furthermore, as his passage was paid out of state funds, unless it was also clearly shown that he did not belong to any of the classes, such as paupers, etc., specifically excluded by the act, he comes within the provision of section 2 of the act (34 Stat., 898) excluding any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly." Under this provision, while the payment of an immigrant's passage out of state funds does not of itself require his exclusion, yet such payment by a State, just as by an individual, operates to throw upon the immigrant the burden of clearly showing that he does not come within any of the otherwise excluded classes, and, in case of his failure to so show, he is not entitled to admission.

3. In reference to your suggestion that under the indirect method of attempting to eventually secure reimbursement to the state fund of the amount of the

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alien's passage a condition might arise which could perhaps be regarded as in effect a payment of his passage by a corporation, society, or association, as the statement of facts does not show that any such condition actually exists, or that his passage money is, in fact, to be repaid, I am of the opinion, without passing upon the question as to what would be the effect of such a condition if it did arise, that the mere hypothetical possibility of such a condition would not be a ground of exclusion.

Respectfully, CHARLES J. BONAPARTE.

File No. 907/30.

The Acting Secretary of State to Minister Wilson.

No. 131.] DEPARTMENT OF STATE,
Washington, October 12, 1907.

SIR: Referring to the visits to and operations in Belgium of immigration agents of certain of the States of the United States, which have formed the subject of correspondence between the department and the legation, and referring especially to your dispatch (No. 167) of April 7, 1907, in which it was suggested that the legation be furnished with a clear interpretation of the present construction of our immigration laws with respect to the operations of such commissioners, I inclose herewith for your information a copy of an opinion rendered on September 30 in the case of the alien Geronimo Garcia,[a] which case was brought to the attention of the Attorney-General by the Louisiana state board of agriculture and immigration with the object of testing the provisions of the act of February 20, 1907, relating to immigration of alien laborers by the States and Territories.

On the 22d of last August the Belgian legation at Washington called the attention of the department to certain pamphlets which were (and possibly are now) being distributed in Belgium by Charles Schuler immigration agent of the State of Louisiana, and inquiring whether or not the contracts offered Belgians to emigrate were exposing them to deportation.

A copy of the Belgian legation's note was communicated to the Department of Commerce and Labor, which, in its answer, dated the 8th instant, states that a reply to the Belgian legation's inquiry is furnished by this opinion of the Attorney-General.

I am, etc.,

ALVEY A. ADEE.

File No. 907/33–34.

Minister Wilson to the Secretary of State.

No. 251.] AMERICAN LEGATION,
Brussels, November 14, 1907.

SIR: I have the honor to acknowledge the receipt of the department's No. 131, inclosing for my information a copy of a letter from the honorable Secretary of Commerce and Labor, which contains the

[a] See inclosures to note of this date to the Belgian legation.

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decision of the honorable Attorney-General of the United States in the case of the Cuban immigrant, Geronimo Garcia, defining the interpretation of the immigration laws of the United States as the same relate to the question of assisted immigration in its various phases.

I have communicated the substance of the decision of Mr. Bonaparte to the Belgian foreign office in a note, copy of which is inclosed.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.]

Minister Wilson to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Brussels, November 7, 1907.

MR. MINISTER: Referring to your excellency's note of the 3d of May, 1907 (Direction E, No. 1370), I beg to say that I am just in receipt of a dispatch from my Government, inclosing a copy of a decision rendered by the Attorney-General of the United States in the case of one Geronimo Garcia, a native of Cuba, who was induced to immigrate to the State of Louisiana by agents of the state board of agriculture, under promise of definite employment after arrival, his expenses thither being paid under agreement of reimbursement from his wages.

The Attorney-General, in summing up his conclusions, held that the promise of specific employment made in the case of Garcia was a clear violation of the labor-contract law, which excludes "persons hereinafter called 'contract laborers,' who have been induced or solicited to migrate to this country by offers or promise of employment, or in consequence of agreements, oral, written, or printed, expressed of implied, to perform labor in this country of any kind, skilled or unskilled."

This provision, the Attorney-General holds, excludes "aliens solicited or induced to immigrate by reason of offers or promises, even when there is no contract of employment.

Your excellency will note that the inhibition here quoted is express and clear, but in order that the exact status of the present interpretation of the law may be clearly understood, it may not be superfluous to advise you that the decision of the Attorney-General in no way affects the rights of constituent States of the Union, through their accredited agents, to solicit immigration by advertisement, a right denied to corporations or individuals, and to pay the passage of immigrants, a right denied to corporations, societies, or municipalities. There is no bar to the expenditure by the State of any sum it chooses to appropriate for assisting immigration. A State may charter a steamship or steamship lines, and through its agents bring in aliens at its own expense. It can give land and cattle or property of any kind to immigrants brought in in this way, after their arrival. It is merely forbidden to bring in alien laborers under any prior promise of compensation or employment, or under any form of labor contract.

An alien induced to immigrate to the United States by the agents of any constituent State, and whose passage is paid, or who, after his or her arrival, is endowed with land or other property by the State, can not be deported under the contract-labor law. An alien induced to immigrate to the United States by the agents of any constituent State under promise of specific employment may be deported.

Your excellency is doubtless well advised of the existence of other provisions of the immigration laws of the United States relative to the deportation of undesirable immigrants, such as paupers, criminals, anarchists, persons afflicted with loathsome contagious or incurable diseases, and women brought for immoral purposes.

I avail myself, etc.,

HENRY LANE WILSON.

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CONVENTION BETWEEN BELGIUM AND SWEDEN RELATIVE TO PROPERTY RIGHTS.

File No. 6774/1.

Minister Wilson to the Secretary of State.

No. 180.] AMERICAN LEGATION,
Brussels, May 15, 1907.

SIR: I have the honor to send you herewith duplicate copies, in the original text, of a convention concluded between Belgium and Sweden relative to the rights of their citizens to inherit and to acquire property in their respective domains.

I have, etc.,

HENRY LANE WILSON.

[Inclosure—Translation.]

Convention concluded between Belgium and Sweden to take the place of the convention of July 21 and August 2, 1838, regarding the right to inherit and to acquire property.

His Majesty the King of the Belgians and His Majesty the King of Sweden, being desirous of regulating, by means of a new convention, the rights of their respective subjects to inherit and to acquire property in the two countries, have appointed as their plenipotentiaries for this purpose, to wit:

His Majesty the King of the Belgians,

Baron de Favereau, knight of his Order of Leopold, etc., member of the Senate, his minister of foreign affairs, and

His Majesty the King of Sweden,

Baron G. Falkenberg, first-class commander of his Order of the Polar Star, etc., his envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians,

Who, after communicating to each other their full powers, found in good and due form, agreed on the following articles:

ARTICLE 1.

Belgians in Sweden and Swedes in Belgium shall, on the basis of reciprocity and under the same conditions as the citizens or subjects of the most favored other nation, be permitted to acquire and hold real estate or personal property and to dispose thereof by sale, exchange, gift, will, or otherwise, as well as to receive property by inheritance whether ab intestato or under a will.

ARTICLE 2.

The laws known under the names of "droit d'aubaine" (the right of the State to confiscate the property of a deceased foreigner) and "droit de détraction" (the right of the sovereign to withhold a part of the property of a deceased foreigner) shall not be enforced in future, when, in case of an inheritance, donation inter vivos, sale, emigration, or the like, there is occasion to transfer property from the Kingdom of Belgium to the Kingdom of Sweden, or vice versa.

ARTICLE 3.

Belgians who acquire real estate or personal property in Sweden, whether by inheritance ab intestato or under a will, or by sale, exchange, gift, or otherwise, and, reciprocally, Swedes who acquire real estate or personal property in Belgium under the same titles, shall not be required to pay thereon any other dues, imposts, or taxes than such as are imposed on nationals by the laws and regulations which exist or may in future exist in the respective countries. The same rule shall apply if they alienate the property, transfer it, and carry away the amount received as its value.

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ARTICLE 4.

The present convention shall go into force on June 1, 1907, and shall remain binding until the expiration of a year after the day on which either of the high contracting parties shall have denounced it. It shall not affect any real-estate rights acquired before said date by Belgian subjects in Sweden or by Swedish subjects in Belgium.

ARTICLE 5.

The present convention shall be ratified and the ratifications exchanged as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present convention and affixed thereto the seal of their arms.

Done at Brussels, in duplicate, on March 28, 1907.

(L. S.) DE FAVEREAU.
(L. S.) FALKENBERG.

The exchange of ratifications took place on May 3, 1907.

Certified to by the secretary-general of the ministry of foreign affairs, Chevalier van der Elst.

DISCRIMINATION AGAINST AMERICAN PRODUCTS.

File No. 5301/2.

Minister Wilson to the Secretary of State.

No. 157.] AMERICAN LEGATION,
Brussels, March 7, 1907.

SIR: I have the honor to report that recently the Continental Petroleum Company, a Belgian corporation dealing exclusively in American lubricating oils, complained to this legation against alleged discrimination in the specifications governing the submission of bids for furnishing oils to the Belgian Government railways.

The specific ground of complaint was the insertion in the specifications of supply bids the requirement of "Russian" origin. A copy of the cahier des charges containing on page 34 the specifications to which objection was taken is transmitted herewith.

As it appeared to me that the objections of the Continental Petroleum Company were well taken, I addressed a note (copy inclosed) to the Belgian foreign office, calling attention to the discrimination.

I am just in receipt of the reply of the minister (copy and translation inclosed) from which it will be seen that the justice of the protest made is recognized, and the discrimination will be removed.

I have, etc.,

HENERY LANE WILSON.

[Inclosure 1.]

Minister Wilson to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Brussels, December 17, 1906.

MR. MINISTER: Mr. F. Petit, president of the Continental Petroleum Company, a Belgian corporation, has called the attention of this legation to an alleged discrimination against American lubricating oils by the department of railways in the specifications of the rules for the submission of supply bids on Wednesday, December 19.

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In his letter addressed to this legation, and which is inclosed to you, Mr. Petit states that in stipulating that all bidders submitting propositions are limited to lubricating oils of Russian origin, the minister of railways has discriminated against American oils.

He affirms that while his company is prepared and willing to furnish oils which in practical use will fully meet the usual tests, giving equal if not better results than the oils of Russian origin, the fact that the oils which his company furnishes are of American origin disqualifies it as possible bidder.

I inclose also a copy of the specifications referred to, which is marked on page 34.

May I ask your excellency to be good enough to inform me, after having ascertained the views of your colleague in the department of railways, whether in making use of the word "Russian" in the specifications it was the intention to exclude the American oil product, which the representatives of the Continental Petroleum Company assure me will meet all the tests equally as well, if not better, than the Russian oil.

I avail, etc., HENRY LANE WILSON.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Minister Wilson.

BRUSSELS, *March 2, 1907.*

MR. MINISTER: I have not failed to bring to the knowledge of the minister of railroads, posts, and telegraphs, the communication which your excellency addressed to me on the 17th of December last, regarding a complaint made by the Continental Petroleum Company in reference to the specification "Russian crude mineral oil for lubricating" contained in the rules for the submission of bids for supplying oils to the administration of Belgian railroads.

My colleague writes me that the rules for the submission of bids, special number 837, relative to lubricating oils, the supplying of which was decided on June 6, 1906, simply mentioned "crude mineral oil" and thus allowed the products of American origin to compete with those of Russia.

In this contest the Continental Petroleum Company was awarded the bid. But the American oils delivered by this company gave rise to serious complaints, such as overheating of the axles on locomotives and passenger and freight cars.

The Belgian authorities continue to believe, despite the assertion to the contrary by the said company, that the oils previously employed were of a superior quality. It was under these conditions that, in view of the award of December 19, 1906, the department of railways, posts, and telegraphs was obliged to insert in the rules for the submission of bids the stipulations "Russian crude mineral oil for lubrication."

In advising me of what proceeds, Mr. Liebaert adds that his department is now studying the new conditions which will be inserted in the contracts in order to be sure that the lubricating oil accepted, whether it be of American, Russian, or other origin, will give good results. When these conditions are determined, a test will be made, and if the results are satisfactory, the matter will be definitely decided.

I have the honor to return to your excellency the letter of the Continental Petroleum Company which you have sent me.

I take, etc., DE FAVEREAU.

File No. 5301/2.

The Acting Secretary of State to Minister Wilson.

No. 97.] DEPARTMENT OF STATE,
Washington, April 3, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 157, of the 7th ultimo, referring to the complaint of a company dealing

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in American lubricating oils that the Belgian Government discriminated against such products by inserting in the specifications of supply bids for furnishing oils to the government railways the requirement of "Russian" origin.

Your correspondence with the Belgian Government, resulting in its removal of the discrimination, copies of which accompany your dispatch, have been read with interest; and the department desires to commend your action and to express gratification at the success of your representations.

I am, etc., ROBERT BACON.

INTERNATIONAL CONVENTION FOR THE REGULATION OF THE TRAFFIC OF SPIRITS IN AFRICA.

[Continuation of correspondence printed in Foreign Relations, 1906, p. 52 et seq.]

Minister Wilson to the Secretary of State.

No. 259.] AMERICAN LEGATION,
Brussels, December 4, 1907.

SIR: I have the honor to acknowledge the receipt of the department's telegram of December 3, which is confirmed as follows:

Your two hundred fifty. Convention proclaimed December 2.

ROOT.

By note of this date, copy of which is inclosed, I have advised the Belgian Government of the action taken.

I have, etc., HENRY LANE WILSON.

[Inclosure.]

Minister Wilson to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Brussels, December 4, 1907.

MR. MINISTER: Referring to my note of May 11, 1907, relative to the deposit of the instrument of adherence of my Government to the Brussels convention of November 3, 1906, I have now the honor to inform your excellency that I duly transmitted to Washington the certified copy of the procès verbal of the ratifications of the international agreement for the regulation of the traffic of spirits in Africa.

I beg to advise your excellency that the President of the United States, by public proclamation dated December 2, 1907, has formally made known the adherence of the American Government to the convention.

I avail, etc.,

HENRY LANE WILSON.

CONVENTION REVISING THE DUTIES IMPOSED BY THE BRUSSELS CONVENTION OF JUNE 8, 1899, ON SPIRITUOUS LIQUORS IMPORTED INTO CERTAIN REGIONS OF AFRICA.

Signed at Brussels November 3, 1906.
Adherence advised by the Senate February 15, 1907.
Declaration of adherence by the President February 19, 1907.
Instrument of adherence deposited with the Government of Belgium May 11, 1907.
Proclaimed December 2, 1907.

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas a convention revising the duties imposed by the Brussels convention of June 8, 1899, on spirituous liquors imported into certain regions of Africa was signed at Brussels on the 3d of November, 1906, by the plenipotentiaries of Germany, Belgium, Spain, the Independent State of the Kongo, France, Great Britain, Italy, the Netherlands, Portugal, Russia, and Sweden, which convention, being in the French language, is word for word as follows:

[Translation.]

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Spain; His Majesty the King-Sovereign of the Independent State of the Kongo; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the Emperor of all the Russias; and His Majesty the King of Sweden,

Wishing to provide for the execution of the clause in Article I of the convention of June 8, 1889, itself made in execution of Article XCII of the general act of Brussels, and by virtue of which the import duties on spirits within certain regions of Africa were to be subjected to revision on the basis of results produced by the previous rates,

Have resolved to convene to that effect a conference at Brussels and have named as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire:

Nicolas, Count of Wallwitz, his actual privy counsellor, his envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians, and

Mr. William Göhring, his actual privy counsellor of legation.

His Majesty the King of the Belgians:

Mr. Leon Capalle, his envoy extraordinary and minister plenipotentiary, director-general of commerce and consulates at the ministry of foreign affairs; and

Mr. J. Kebers, director-general of customs and excise of the ministry of finance and public works.

Mr. Arturo de Baguer, his envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians.

His Majesty the King-Sovereign of the Independent State of the Kongo:

Mr. Hubert Droogmans, secretary-general of the department of finance of the Independent State of the Kongo; and

Mr. A. Mechelynck, attorney at law near the court of appeals of Ghent, member of the House of Representatives of Belgium.

The President of the French Republic:

Mr. A. Gérard, envoy extraordinary and minister plenipotentiary of the French Republic near His Majesty the King of the Belgians.

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His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India:

Sir Arthur Hardinge, his envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians;

Mr. A. Walrond Clarke, chief of the department of Africa in the foreign office; and

Mr. H. J. Read, chief of the department of East Africa in the colonial office.

His Majesty the King of Italy:

Lelio, Count Bonin Longare, his envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians.

Her Majesty the Queen of the Netherlands:

Jonkheer O. D. van der Staal de Piershil, her chamberlain, her envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians.

His Majesty the King of Portugal and of the Algarves:

Carlos-Cyrillo Machado, Viscount de Santo-Thyrso, his envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians; and

Mr. Tomaz-Antonio Garcia Rosado, lieutenant-colonel on the general staff, member of his council and his honorary artillery officer.

His Majesty the Emperor of all the Russias:

Mr. N. de Giers, his envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians.

His Majesty the King of Sweden:

Gustave M. M. Baron Falkenberg, his envoy extraordinary and minister plenipotentiary near His Majesty the King of the Belgians.

Who, vested with powers in good and due form, have adopted the following provisions:

ARTICLE I.

From the putting into operation of this convention, the import duty on spirits shall be advanced throughout the zone wherein the prohibition régime contemplated in Article XCI of the general act of Brussels to the rate of 100 francs per hectoliter at 50 centesimal degrees.

It is, however, agreed in regard to Erythrea that the duty may be not more than 70 francs per hectoliter at 50 centesimal degrees, the excess being in a general and continuous way represented by the aggregate of other duties existing in that colony.

The import duty shall be proportionately increased for each degree above 50 centesimal degrees; it may be proportionally decreased for each degree below 50 centesimal degrees.

The powers retain the right to maintain and advance the tax beyond the minimum fixed by this article in the regions where they now have that right.

ARTICLE II.

As a consequence of Article XCIII of the general act of Brussels, distilled beverages made within the regions contemplated in Article XCII of the said general act and intended for consumption therein shall be subjected to an excise duty.

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This excise duty which the powers engage to collect as far as practicable shall not be less than the minimum import duty fixed by Article I of this convention.

It is, however, agreed, in regard to Angola, that the Portuguese Government will be at liberty, with a view to effect the gradual and complete transformation of distilleries into sugar factories, to take out of the proceeds of the said 100 francs duty a sum of 30 francs which would be allowed to the producers on condition that they shall, under the Portuguese Government's supervision, carry out the said transformation.

If the Portuguese Government should avail itself of this liberty, the number of distilleries in operation and the producing power of each should not be greater than the number and power ascertained on the 31st of October, 1906.

ARTICLE III.

The provisions of this convention are established for a term of ten years.

At the expiration of that period the import duty fixed by Article I shall be subject to revision on the basis of the results produced by the preceding rates.

Each one of the contracting powers will, however, be at liberty to move the revision of the duty at the expiration of the eighth year.

The power availing itself of this liberty should give notice of its intention, six months before the said expiration, to the other powers through the Belgian Government, which would then undertake to call the conference within the above stated term of six months.

ARTICLE IV.

It is agreed that the powers that have signed the general act of Brussels or adhered thereto and are not represented at this conference retain the right of adhering to this convention.

ARTICLE V.

This convention shall be ratified and the ratification shall be deposited at the ministry of foreign affairs at Brussels with as little delay as possible, and in no case shall the term exceed one year.

A certified copy of the procès-verbal of deposit shall be addressed by the Belgian Government to all the powers concerned.

ARTICLE VI.

This convention shall go into effect in all the possessions of the contracting powers within the zone defined by Article XC of the general act of Brussels on the thirtieth day after that on which the procès-verbal of deposit contemplated in the foregoing article shall have been closed.

From that date the convention relative to regulations affecting spirits in Africa, signed at Brussels on the 8th of June, 1889, shall cease and determine.

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In witness whereof the respective plenipotentiaries have signed this convention and affixed their seals thereton.

Done in a single copy at Brussels the third day of the month of November, one thousand nine hundred and six.

[L. S.]	(Signed)	GRAF VON WALLWITZ.
[L. S.]	(Signed)	GÖHRING.
[L. S.]	(Signed)	CAPELLE.
[L. S.]	(Signed)	KEBERS.
[L. S.]	(Signed)	ARTURO DE BAGUER.
[L. S.]	(Signed)	H. DROOGMANS.
[L. S.]	(Signed)	A. MECHELYNCK.
[L. S.]	(Signed)	A. GÉRARD.
[L. S.]	(Signed)	ARTHUR H. HARDINGE.
[L. S.]	(Signed)	A. W. CLARKE.
[L. S.]	(Signed)	H. J. READ.
[L. S.]	(Signed)	BONIN.
[L. S.]	(Signed)	VAN DER STAAL DE PIERSHIL.
[L. S.]	(Signed)	SANTO THYRSO.
[L. S.]	(Signed)	GARCIA ROSADO.
[L. S.]	(Signed)	N. DE GIERS.
[L. S.]	(Signed)	FALKENBERG.

And whereas the contracting parties have, in accordance with Article V of the said convention, deposited their ratifications of the said convention in the archives of the Kingdom of Belgium;

And whereas the following States have adhered to the said convention in virtue of its Article IV, viz, Austria-Hungary, Denmark, Norway, and Persia;

And whereas the Government of Belgium in virtue of the said Article IV of said convention has invited the United States of America to adhere to the said convention;

And whereas the President of the United States of America, by and with the advice and consent of the Senate thereof, did, on the 19th day of February, 1907, declare that the United States of America adheres to the said convention:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this second day of December, in the year of our Lord one thousand nine hundred and [SEAL.] seven, and of the Independence of the United States of America the one hundred and thirty-second.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,

Secretary of State.

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ADDITIONAL EXTRADITION TREATY BETWEEN BELGIUM AND GREAT BRITAIN.

File No. 7775/–1.

Minister Wilson to the Secretary of State.

No. 196.] AMERICAN LEGATION,
Brussels, July 9, 1907.

SIR: I have the honor to transmit for the information of the department a duplicate copy of a convention, recently concluded between the Kingdoms of Belgium and Great Britain, which is an addition to the extradition treaty of October 29, 1901.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.]

The Government of His Majesty the King of the Belgians and the Government of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India, having deemed it necessary to complete Article XIV of the treaty of extradition between Belgium and Great Britain of the 29th October, 1901, relative to the application of the stipulations of the treaty to the extra-European colonies and foreign possessions of the two States, the undersigned, duly authorized to that effect by their respective Governments, have agreed as follows:

ARTICLE I.

In the relations of each of the high contracting parties with the extra-European colonies and foreign possessions of the other the periods fixed by Articles IV, paragraph 1, and V of the treaty of the 29th October, 1901, shall be extended as follows:

1. A fugitive criminal arrested under the terms of Article IV shall be discharged in the dominions of His Britannic Majesty if, within the period of two months from the date of the arrest, a request for his extradition shall not have been made by the government of the requisitioning state.

The fugitive criminal may be discharged in the dominions of His Majesty the King of the Belgians if within the same period a request for his extradition has not been made by the government of the requisitioning state; he shall be released if within seven days following the expiration of this period the warrant issued by the competent authority shall not have been communicated to the fugitive criminal.

2. The person arrested shall be set at liberty if, within the three months, counting from the date of arrest, sufficient evidence in support of the demand for extradition shall not have been produced.

ARTICLE II.

The present convention shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force ten days after its publication, in conformity with the laws of the high contracting parties, and it shall have the same force and duration as the treaty of extradition to which it relates.

In witness whereof the undersigned have signed the present convention, and have affixed their seals thereto.

Done in duplicate at London, the 5th March, 1907.

[L. S.] E. GREY.
[L. S.] LALAING.

INVESTIGATION OF AFFAIRS IN THE KONGO.

[See p. 791.]

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BOLIVIA.

FINANCIAL CONDITIONS.

File No. 5614/1.

Minister Sorsby to the Secretary of State.

No. 306.] AMERICAN LEGATION,
La Paz, March 7, 1907.

SIR: I have the honor to transmit herewith a résumé of the Bolivian budget for 1907, showing an estimated deficit of 1,012,775.68 bolivianos.[a]

Comparing the budget of 1905 with the receipt of revenues from all sources of 7,928,730 bolivianos, and expenditures of 9,473,577.45 bolivianos, with its resultant deficit of 1,544,844.45 bolivianos, and of 1906 with receipts of revenues from all sources of 10,406,233 bolivianos, and expenditures of 11,688,556.58 bolivianos, with the resultant deficit of 1,282,323.58 bolivianos, with that of the present year, with receipts of revenues from all sources of 13,583,333 bolivianos, and expenditures of 14,596,108.68 bolivianos, with the resultant deficit of 1,012,775.68 bolivianos, a decided improvement in the economic conditions, together with a general development and progress of the country, is noted.

In defining a deficit in the national budget of Bolivia it may be well to remark that a deficit does not necessarily imply a national indebtedness, as the Government may or may not expend or exhaust many of the various sums appropriated, and, as a fact, the national expenditures rarely if ever exceed the receipts.

I have, etc., WILLIAM B. SORSBY.

ARRANGEMENT FOR THE SETTLEMENT OF THE BOUNDARY DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

File No. 4878/2–3.

Minister Beaupré to the Secretary of State.

[Extract.]

No. 476.] AMERICAN LEGATION,
Buenos Aires, January 16, 1907.

SIR: I have the honor to inclose an article cut from La Presna of the 13th instant, which gives, I believe, accurately the story and results

[a] Not printed.

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of efforts that are being made to settle the pending boundary dispute between the neighboring Republics of Bolivia and Paraguay, the outcome of which is that the offer of the President of this Republic to act as arbiter in the matter has been accepted, subject to the approval of the Congresses of the two countries.

The dispute in question is, as will be seen, one of long standing, repeated efforts having been made to reach an amicable solution of it. A renewed and serious effort was made by the two countries during the past year to reach a friendly settlement, in that the Government of Bolivia accredited to that of Paraguay one of the most able diplomats, Dr. Emeterio Cano, at one time Bolivian minister for foreign affairs, with special instruction in the matter in question. The Government of Paraguay responded to the cordial act of Bolivia and appointed special plenipotentiary to treat with Doctor Cano an ex-vice-president of Paraguay, Dr. Manuel Dominguez. These two representatives of their respective countries, in spite of diligent endeavors, were unable to find common ground on which to agree.

Such was the state of affairs when Doctor Zeballos, on November 26 last, accepted the portfolio of minister of foreign affairs of this Government. Doctor Zeballos took advantage of the presence in this country some weeks ago, en route for Europe, of the minister for foreign affairs of Bolivia, Dr. Caludio Pinilla, through the Argentine minister in Asuncion to offer to the Government of Paraguay the mediation of this Government in the pending question on the following conditions:

Meeting in Buenos Aires of the ministers for foreign affairs of the two countries in order to discuss the respective claims of the same, and to endeavor to reach a direct arrangement between them. In case of disagreement the matter to be submitted to arbitration before the President of this Republic.

This offer of intervention was accepted, and Dr. Adolfo L. Soler, at present minister of finance but recently minister for foreign affairs of Paraguay, was at once sent to Buenos Aires to represent that country in the matter. Doctor Dominguez, the special plenipotentiary of Paraguay appointed last year to treat with Doctor Cano, of Bolivia, accompanied him to advise with Doctor Soler.

These plenipotentiaries of the two countries met in this city with Doctor Zeballos. In spite, however, of repeated endeavors the matter proved difficult of solution, and it was decided to avail themselves of the alternative condition contained in Doctor Zeballo's offer of mediation and to submit the question to the arbitral decision of the President of this Republic. Accordingly, on the 12th instant, a protocol to that effect was signed by the authorized parties. The protocol, in accordance with one of its terms, will be submitted to the congresses of Bolivia and Paraguay, and, if approved, the matter will be taken up in regular form, and the decision of the President of this country will be final in the matter.

It will be observed from the map which *La Prensa* prints to accompany the inclosed article that the territory in question lies between the rivers Paraguay and Pilcomayo, and between the parallels of latitude 19½ and 23 south and between the meridians of longitude 58 and 63 west.

I am, etc.,

A. M. BEAUPRÉ.

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File No. 4878/10.

Minister Sorsby to the Secretary of State.

[Extract.]

No. 311.] AMERICAN LEGATION,
La Paz, March 28, 1907.

SIR: I have the honor to transmit herewith a legalized copy, with translation, of an agreement arranged at Buenos Aires, Argentine on January 12 last, between representatives of Bolivia, Paraguay, and Argentine for a final settlement of the long-standing Bolivia-Paraguay boundary and territorial dispute.

In this connection I have also the honor to report that Dr. Juan M. Saracho, acting minister for foreign affairs, and the actual minister of justice and public instruction, willingly complied with my request for a copy of the agreement for transmission to the department, and later requested that I transmit in conjunction therewith a map showing the territory in dispute; the several proposed boundary lines as embodied in three previous protocols; Puerto Pacheco, situated in the disputed territory, and for the cession of which Bolivia, for reasons of commerce set forth in the accompanying memorandum, seems to be disposed to concede more of the disputed territory than she ever has before; Puerto Corumba, a Brazilian port, and which, in the present unsettled state of the Bolivian boundary question, controls the river transportation for that particular region.

I have, etc.,

WILLIAM B. SORSBY.

[Inclosure 1—Translation.]

Drs. Claudio Pinilla, minister of foreign relations for Bolivia, and Adolfo Soler, minister of the treasury for Paraguay, duly authorized by their respective Governments, having met in the city of Buenos Aires in honor of the friendly mediation of the Government of the Republic of Argentine, for the purpose of discussing to a conciliatory and friendly solution respecting the question of the boundary dispute existing between the respective countries, after having studied the several propositions presented by the high parties, litigants, and by the minister of foreign affairs for the Argentine Republic, Dr. Estanislao S. Zeballos, have agreed to accept the following solution proposed by the latter in the conference of to-day.

ARTICLE I.

The high contracting parties agree to submit the question pending to the decision of His Excellency the honorable President of the Argentine Republic.

ARTICLE II.

The zone submitted to said arbitration is understood to be that between parallel 20° 30′ and the line which they sustain in their allegations north of the Paraguay, in the interior of the territory, between meridians 61° 30′ and 62° of Greenwich.

ARTICLE III.

Both ministers will ratify this convention within four months from its date, and in consequence their plenipotentiaries in Asuncion, Doctors Cano and Dominguez, shall subscribe to this agreement of limited arbitration, which shall necessarily be submitted to the respective Congresses for approval at the first ordinary sessions.

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ARTICLE IV.

The plenipotentiaries of the high contracting parties are to be opportunely designated for the purpose of presenting to the President of the Argentine Republic, within the period of thirty days from the congressional approval, an exposition of the titles and evidence in support of their rights.

ARTICLE V.

The President of the Argentine Republic will decide the controversy with respect to the rights of the high contracting parties, in conformity with the titles and evidence submitted.

ARTICLE VI.

In case that one of the high contracting parties should fail to obtain the ratification referred in Article III, the respective plenipotentiaries at Asuncion will negotiate an agreement fixing the zone to be submitted to the arbitration agreed upon, and in the meanwhile the *statu quo* referred to in the following article is understood shall be continued.

ARTICLE VII.

Pending the process of complying with this convention, the high contracting parties compromise from this moment not to change nor to advance the position of their possessions as they to-day exist.

In no case can this *statu quo* be suspended before the expiration of one year from the date fixed by Article III.

The *statu quo* shall be loyally observed under the guarantee of the Argentine Government.

The present agreement to be signed in three identical copies.

Made in Buenos Ayres, capital of the Republic of Argentine, January 12, 1907.

(Signed) CLAUDIO PINILLA.
(Signed) A. R. SOLER.

A true copy.

(Signed) JOSÉ SALINAS,
First Secretary of Foreign Affairs.

[Inclosure 2—Translation.]

[Extract.]

Bolivia owns the territory embraced in the whole of the extension which during colonial period pertained to the Court of Charcas. In virtue of which and conformable to the Uti Possidetis of 1810, she alleges the right to all of the Chaco Boreal between the rivers Paraguay and Pilcomayo and the province of Chiquitos, of the Department of Santa Cruz. On the other hand, Paraguay also alleges ownership to the region of the Chaco, founding her claim upon several ancient possessions, such as Fortress Borbon and others.

The litigation of the frontiers between both countries is of long duration, and has given rise to three treaties known by the names of the signers, as follows: 1879, Quijarro-Decoud; 1887, Tamayo-Aceval; and 1895, Ichazo-Benites. None of these treaties were accepted by the Paraguayan Congress, and the efforts of Bolivia for the solution of this matter always encountered the denial of the congress of that country, despite the fact that the Bolivian Government and congress approved the first two.

Senor Claudio Pinilla, passing through Buenos Aires, celebrated the accompanying agreement, which has been approved by the Government of Bolivia and will also certainly be approved by that of Paraguay. As an offering to continental peace and in preservation of her commercial and customs liberty Bolivia finds it necessary to accept a new (another) segregation of her territory. In effect, the oriental region of Bolivia, embracing an extensive territory rich in mines and of an extraordinary fertility, must send its import and export commerce to the Atlantic via the river Paraguay and the Plate, but encounters the inconvenience of having to pass through Brazilian territory, where the mer-

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chandise destined for Bolivia, and those exported by Bolivia, by this route, is made to suffer innumerable charges, such as obliging boats destined for Puerto Suarez (Bolivia) to discharge at Puerto de Corumba (Brazil) and to pay enormously high wharfage and fines; and finally, the packages are opened with great prejudice to Bolivian merchants. But even yet the onerous charges to which these small vessels making the service between Corumba and Puerto Suarez are subjected are such that in various instances the transport of navigation cost as much as the freight, on the same shipment, from Montevideo to Corumba, separated from twelve to fourteen days of navigation.

The Pinilla-Soler agreement, therefore, satisfies the practical needs of Bolivia; giving it a port of its own upon the river Paraguay to the north of parallel 20° 30′, where Puerto Pacheco, in the highlands of Chamacocos, is situated. This port, which will be the point of the beginning of the railway to Santa Cruz de la Sierra, possesses great interest not alone with respect to the commercial independence of Bolivia, but also for the American company building the railways of the interior; which system must, in the course of its development, connect with that of Santa Cruz in order to have an additional line for commercial interchange.

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BRAZIL.

PREFERENTIAL TARIFF CONCESSIONS IN FAVOR OF AMERICAN PRODUCTS.

(Continued from Foreign Relations, 1906, p. 113.)

File No. 836/44.

Ambassador Griscom to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Petropolis, January 2, 1907.

(Mr. Griscom states that the continuance of our 20 per cent preferential tariff reduction was authorized by the Congress which expired December 30, and that the preferential continues as before, except that linotypes and cash registers are added under the classification of typewriters.)

File No. 836/44.

The Acting Secretary of State to Chargé Lorillard.

No. 37.] DEPARTMENT OF STATE,
Washington, January 5, 1907.

SIR: I have to acknowledge the receipt of Mr. Griscom's telegram of the 2d instant, as follows:[a]

While Ambassador Griscom says nothing about the issuance of a presidential decree based on the legislative authorization herein notified, the department assumes that there will be no break in the continued enjoyment of American products of the old preferential reductions. It is to be remarked, however, that although the Congress of Brazil gave a similar authorization fully one year ago, it was not until July 4 last that the Brazilian Government proclaimed the 20 per cent reduction to take effect July 1, 1906, and terminating December 31, 1906.

I inclose a copy of Daily Consular and Trade Reports, No. 2614, of July 14, 1906, containing, on page 8, the list of articles of American origin to which the preferential reduction applied last year. It is a matter of gratification that linotypes and cash registers are to be added under the classification of typewriters.

I am, etc., ROBERT BACON.

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[a] Supra.

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File No. 836/46.

Chargé Lorillard to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Petropolis, January 10, 1907.

(Mr. Lorillard reports that the President of Brazil signed a decree yesterday continuing our 20 per cent preferential tariff until December 31 next.)

File No. 836/46.

The Acting Secretary of State to Chargé Lorillard.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 10, 1907.

(Mr. Bacon states that the action of the President of Brazil decreeing the continuance of the preferential tariff is highly appreciated as evidence of friendly good will.)

File No. 836/53-54.

Chargé Lorillard to the Secretary of State.

No. 96.] AMERICAN EMBASSY,
Petropolis, January 14, 1907.

SIR: I have the honor to inform you that on the 3d instant I received the following telegram:

PERNAMBUCO, *January 1, 1907.*

AMERICAN AMBASSADOR, *Petropolis:*

Dunottar with flour from New York arrived December 29. Customs refuse allow 20 per cent abatement duties under treaty. Please advise reposta paga vinte palavras.

HENRY FORSTER & CIA.

In view of the fact that the minister of finance had repeatedly assured Mr. Griscom that our preferential list was to continue this year without break, that no executive decree was necessary to put it into force, and that all collectors of customs had been instructed in that sense (see Mr. Griscom's dispatch No. 80, of January 2, 1907), I sent Messrs. Forster the following telegram:

PETROPOLIS, *January 3, 1907.*

HENRY FORSTER, *Recife:*

Third. Yours of 1st just received; 20 per cent reduction on American flour continues in force this year without break. Minister Fazenda has telegraphed that effect all customs collectors. If not satisfactorily arranged to-day wire me again.

LORILLARD, *Chargé.*

to which Messrs. Forster replied as follows:

RECIFE, *January 4, 1907.*

AMERICAN AMBASSADOR, *Petropolis:*

Collector not received instructions.

FORSTER.

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Accordingly, on the 5th instant, I proceeded to Rio and showed the above telegrams to the private secretary to the minister for foreign affairs, urging him to cause the necessary orders to be sent by the ministry of finance. Later in the day he told me that he had seen the minister of finance himself, who had assured him that the necessary orders, continuing the preferential list, had on the previous evening been sent to the collector at Pernambuco.

On my return to Petropolis I found the following telegram:

RECIFE, *January 5, 1907.*

AMERICAN AMBASSADOR, *Petropolis:*

Customs inspector uninstructed regarding continuance reduction American goods delay prejudicial importers.

CHAMBERLAIN.

In view of what I had been told by the foreign office, I thought myself authorized to reply as follows:

PETROPOLIS, *January 5, 1907.*

CONSUL AMERICANO, *Pernambuco:*

Fifth. Foreign office states that special orders were sent to Pernambuco last evening continuing reduction on American flour. Telegraph me if further delay.

LORILLARD.

On the 7th instant I telegraphed the consul at Pernambuco as to the actual status of the case, and on the 8th he replied that the collector had still received no instructions.

Bearing in mind the delays which had occurred in previous years in putting into force the authorization granting the preferential list and considering the statements made to the ambassador and myself that orders had been sent to all custom-houses continuing the preferential, I wired the minister for foreign affairs as follows:

PETROPOLIS, *January 8, 1907.*

His excellency Baron RIO BRANCO, *Rio:*

The American consul at Pernambuco has just telegraphed me that the customs authorities continue to refuse to grant the 20 per cent reduction on flour coming from the United States. I beg your excellency to kindly insist at the ministry of finance so that orders be immediately telegraphed to the customs inspector at Pernambuco continuing the reduction of 20 per cent granted American flour.

LORILLARD.

No reply to my telegram was received, but on the following day the President signed a decree enforcing the preferential. Duplicate copies of the decree and a translation thereof are herewith inclosed. As the decree appears to be retroactive in character continuing the preferential during the whole year, and as I have heard nothing more from Messrs. Forster & Co., I shall take no further action on their complaint unless I hear further from them.

I have the honor to confirm my telegram of the 10th instant, as follows;[a] and to acknowledge the receipt of the Department's telegram of the same date, as follows.[a]

I have addressed a note based on the telegram to the minister for foreign affairs and will send you a copy of it when a reply has been received.

I have, etc., GEORGE LORILLARD.

[a] Supra.

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[Inclosure—Translation.]

Decree No. 6317, of January 10, 1907.

Orders Decree No. 6079, of June 30, 1906, to be observed. The President of the Republic of the United States of Brazil, having in view what was ordered by article 6 of law No. 1144, of December 30, 1903, corroborated by article 18 of law No. 1452, of December 30, 1905, and article 17 of law No. 1616, of December 30 last, decide that during the present year decree No. 6079 of June 30, 1906, shall be observed.

Rio de Janeiro, January 10, 1907, nineteenth of the Republic.

AFFONSO AUGUSTO MOREIRA PENNA.
DAVID CAMPISTA.

File No. 836/63–64.

Chargé Lorillard to the Secretary of State.

No. 102.] AMERICAN EMBASSY,
Petropolis, January 30, 1907.

SIR: In continuation of my No. 96, of January 14 last, relative to the complaint of Messrs. Forster & Co., of Pernambuco, that American flour was not accorded the 20 per cent tariff reduction as authorized by Congress and my actions thereon resulting in the decree of January 10 last, I have now the honor to inclose herewith a copy and a translation of a note from the foreign office, dated the 28th instant, whereby it appears that, as my telegram of protest was brought to the knowledge of the ministry of finance, the various customs authorities were instructed by telegraph to continue the rebate of 20 per cent on certain American articles during the whole of the present year, and that the customs delegate at Pernambuco has been directed to return the additional duties collected on American flour during the period extending from January 1 to January 17 last.

I have so informed the consul at Pernambuco.

I have, etc.,

GEORGE LORILLARD.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Lorillard.

MINISTRY OF FOREIGN RELATIONS,
Rio de Janeiro, January 28, 1907.

MR. CHARGÉ D'AFFAIRES: Having brought to the knowledge of the ministry of finance the telegram which you sent me on the 8th instant relative to the refusal of the customs-house of Pernambuco to concede the reduction of 20 per cent in the dispatch of American flour, I have just been informed by it that, by a telegram of the 17th instant, the customs delegates were instructed to obey decree No. 6317, of the 13th instant, extending during the present year the favor conceded by No. 6079, of June 30, 1906, to various articles of an American source.

In addition, the same ministry has already authorized the customs delegate of Pernambuco to cause to be refunded the surplus duties collected, at the respective custom-house, during the time when the fulfillment of said decree 6079 ceased and that when the one of No. 6317 came into force.

I take advantage of the occasion, etc.,

RIO BRANCO.

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File No. 836/53–54.

The Acting Secretary of State to Chargé Lorillard.

No. 49.] DEPARTMENT OF STATE,
Washington, February 21, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 96, of the 14th ultimo, embodying telegraphic correspondence in connection the complaint of Henry Forster & Co., of Pernambuco, and transmitting a copy of a decree of January 10, 1907, continuing, from January 1, 1907, the 20 per cent preferential reduction on certain American goods.

Your action, taken on the complaint of Messrs. Forster & Co., is approved by the department, and you will ask the return to the importers of any excess in duties above the preferential rates that may be brought to your attention as having been collected in January on shipments of American products entitled to preferential treatment.

I am, etc.,

ROBERT BACON.

File No. 836/66.

Chargé Lorillard to the Secretary of State.

No. 109.] AMERICAN EMBASSY,
Petropolis, February 15, 1907.

SIR: I have the honor to acknowledge the receipt of the department's instruction No. 37, of January 5, 1907, which, after acknowledging the receipt of Mr. Griscom's telegram of the 2d of that month, relative to the authorization of the Brazilian Congress to continue our 20 per cent preferential tariff reduction, assumes that there will be no break in the continued enjoyment by American products of the old preferential reductions. At the same time the department calls attention to the delays which have previously occurred in decreeing the authorization of Congress.

In reply I have the honor to refer you to my Nos. 96 and 102, of January 14 and 30, 1907, respectively, in which you were informed that owing to the representations of the embassy the President of Brazil, on January 10 last, decreed the continuance of our old preferential tariff reduction for the whole year 1907, and that the surplus duties collected on American flour at Pernambuco since January 1, 1907, and before the date of said decree, were ordered to be returned, thus continuing the preferential reduction without break.

The articles which enjoy the preferential are the ones mentioned on page 8 of Daily Consular and Trade Report No. 2614, of July 14, 1906, with the addition that paints are included under varnishes, as the department was informed by Mr. Griscom's No. 15, of August 17, 1906, and that linotypes and cash-register machines have been included under the classification of typewriters.

I have, etc.,

GEORGE LORILLARD.

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BRAZILIAN IMMIGRATION REGULATIONS.

File No. 7265/–1.

Ambassador Dudley to the Secretary of State.

No. 24.] AMERICAN EMBASSY,
Petropolis, June 3, 1907.

SIR: I have the honor to furnish the department herewith two copies and a translation of the new Brazilian immigration law, promulgated by executive decree on the 19th ultimo.

In this connection I may mention that special effort is being made to induce the coming of Japanese labor. It is largely to this end that a subsidy is offered for the establishment of a regular line of ships between Rio de Janeiro and Japan. I am informed by Mr. Uchida, who to-day presents his credentials as Japanese minister to Brazil, that in the consummation of these proposals is to be found the principal aim of his mission. The new steamship line, according to this gentleman, will be in operation as soon as arrangements can be perfected, and will probably touch at the west coast ports of Ecuador, Peru, and Chile, and, passing through the Straits of Magellan, visit Buenos Aires, terminating the voyage at Rio de Janeiro. The purpose would be to bring to Brazil in these ships Japanese coolies, to engage, under properly safeguarded contracts, in rice growing, and, secondarily, in other productive work. The advent of the Japanese should prove a blessing to Brazilian agriculture and the great mass of consumers. The improved conditions in the country, where lack of labor is much more felt than in former days, when slavery existed, would apparently likewise inure to the advantage of all nations interested in Brazilian commerce.

I have, etc., IRVING B. DUDLEY.

[Inclosure.—Translation.]

DECREE NO. 6455 OF APRIL 19, 1907, APPROVING REGULATIONS FOR THE PEOPLING OF THE SOIL.

The President of the Republic of the United States of Brazil, in accordance with the authorization conferred in section B of No. XIII of article 35 of law No. 1617, of December 30, 1906, decrees:

SOLE ARTICLE. The appended regulations for the peopling of the soil, signed by the minister of industry, railways, and public works, are hereby approved.

Rio de Janeiro, April 19, 1907, nineteenth year of the Republic.

ALFONSO AUGUSTO MOREIRA PENNA.
MIGUEL CALMON DU PIN E ALMEIDA.

REGULATIONS FOR THE PEOPLING OF THE SOIL REFERRED TO IN DECREE NO. 6455 OF THIS DATE.

DIVISION I.

CHAPTER I. *Preliminary dispositions.*

ARTICLE 1. The peopling of the soil will be promoted by the union in agreement with state governments, railway and river navigation companies, other companies or associations, and with private individuals, provided that the sureties and rules hereby guaranteed and laid down are duly observed.

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ART. 2. There shall be counted as immigrants: All foreigners of less than 60 years of age who are not suffering from contagious diseases nor plying illicit trades and who are not criminals, rogues, beggars, vagabonds, lunatics, or invalids, who arrive at Brazilian ports, traveling third class at the cost of the union, States, or third parties, as well as those who (ceteris paribus) have paid their own passages and desire to enjoy the same privileges as other new arrivals.

Persons over 60 years of age or unfitted for work will only be admitted when accompanied by their families or when coming to join them, provided that there is in the family at least one able-bodied member against the invalid and one or two against the member over 60 years of age.

ART. 3. To immigrants who establish themselves in any part of the country and devote themselves to any branch of agriculture, industry, or trade, or to any useful craft or profession, the following guaranties will be granted: Complete liberty of action and freedom to engage in any trade, provided that the same does not endanger public safety, health, or morals; complete liberty of religious belief; and, finally, civic rights as enjoyed under the constitution and laws by Brazilians themselves.

ART. 4. The union, without interfering with the liberty of similar action on the part of the States, will enter into an accord with them to direct and facilitate the placing of immigrants who desire to settle as owners of their own land and will protect and advise such spontaneous immigrants as need material aid for their first installment, whilst only in special cases will it bring in at its own expense such immigrants as desire only to work without acquiring the land on which they settle.

DIVISION II. CONCERNING COLONIZATION.

CHAPTER I. *Preliminary dispositions.*

ART. 5. By a "nucleus colony," for the operation of this decree, is understood a group of lots, duly measured and marked out, on land chosen as fertile and fitted for agriculture or cattle breeding, where the conditions are healthy and there is abundance of drinking water to supply all the needs of the population. The colonies shall also be of sufficient extent to admit of their development, whilst they shall have easy and convenient means of transport, shall be possessed of favorable economic factors, and shall be prepared for the settling of immigrants as holders of their own land.

ART. 6. The foundation of nucleus colonies shall be undertaken:

I. By the union with help from the States.

II. By the States with or without the help of the union.

III. By railway or river navigation companies, other companies or associations, or by private individuals, with or without the help of the union and the States.

The union may interfere in the foundation of nucleus colonies by railway or river navigation companies, other companies, associations, or private individuals when the founders are not in the receipt of official aid and necessary rules and regulations have to be made or abuses remedied.

CHAPTER II. *Concerning nucleus colonies founded by the union.*

ART. 7. The foundation of nucleus colonies under the direct administration of the union and with the aid of the interested State shall be effected in accordance with this decree, whilst the following rules must be observed:

I. The union will choose the site and will undertake to form the nucleus.

II. If the land is fallow, or is the property of the State, the Federal Government will enter into an accord with the state government for the cessation of the area required for the foundation of the nucleus.

In this case the State will aid in the marking out, if necessary, according to its land laws, and will permit the following work of preparation: Preliminary surveys for the best division of the lots and for the establishment of lines of communication both internal and external; measuring and marking out of rural lots; sanitary works, when necessary; building of houses, roads, and paths; preparation of the areas set apart for the first cultivation in each rural lot; establishment of the headquarters of the nucleus, if convenient, together with the urban lots; and, finally, the settling of the immigrants.

III. So soon as the lots have been measured and marked out in accordance with the foregoing clause, they will be definitely handed over to the union on the distinct understanding that they will be sold to immigrants or otherwise used for the good of the nucleus.

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IV. Lands belonging to private individuals will be acquired by amicable arrangement, i. e., by purchase or agreement, or will be disappropriated by the State, whilst the union will undertake the work of preparation according to Clause II above.

V. The State will provide the immigrants with tools and seeds free of charge for their assistance on first being installed, whilst the union may grant them these and other favors for the same purpose.

VI. Should the State desire to establish at the headquarters of the nucleus farms for experiments and instruction, a suitable area will be reserved for this purpose and pecuniary aid granted, as established by law, in accordance with plans and estimates previously approved.

ART. 8. The State may give any assistance to the immigrants independent of that given by the union, and may offer prizes to promote healthy emulation.

ART. 9. Provisional and definite titles to the lots will be indorsed by federal officials appointed for this purpose.

ART. 10. The product of the sale of the lots will belong to the union, except in case of arrangement with private owners of land, who by contract will be obliged to allow the colony to be founded and the sale of lots at stipulated prices for the transfer of lands and improvements thereon.

ART. 11. The collection of immigrant's debts arising from the sale of lots and houses and from aid not granted free will be made by the union.

ART. 12. The choice of localities for the nucleus colonies will be made in accordance with previous surveys and will be carefully fiscalised by the administration.

ART. 13. Localities for the foundation of nucleus colonies will be chosen which are healthily situated and conform to the conditions laid down in article 5 as well as the following:

I. Convenient altitude and soil fitted for all kinds of cultivation.

II. A position on or near railways actually working or in course of construction, on rivers navigated by steamers, or close to populous centers where the holders of the lots will find a ready market for their produce.

III. A constant and ample supply of running and drinking water which shall be adequate for the inhabitants and may be employed for agricultural and industrial purposes.

IV. Topographical configuration and conditions which will permit of the use of agricultural machinery.

V. Forests, on the spot or near, which, whilst improving the climatic conditions and productiveness of the district, will afford a sure and cheap supply of timber for building and other works on the colonies.

VI. A large enough area to admit of the increase of the nucleus, so that direct descendants of the first immigrants settled on the land, members of their families or persons connected with them, living abroad, may be invited to come and form new households and hold lots in the same nucleus or in its vicinity.

ART. 14. When the locality for the nucleus has been chosen a general plan and estimate of the probable cost of the work will be immediately drawn up, the ground will be divided into lots by exact measurement, the necessary works will be put in hand at once and any factors dangerous to public health removed, whilst plans will be made and executed for the systematic construction of roads and paths according to the regulations.

ART. 15. When water courses are in the way, if convenient, the works can be commenced by goniometric survey of same, and stakes will be driven in with their tops level with the ground, each one marked with a copper plate showing exactly the direction indicated. At the side of the stakes, signposts will be placed duly numbered so that the subsequent demarcation of the lots may be clearly indicated.

When the hydrographic plans have been drawn up, thereon will appear the distribution of lots according to the lay of the ground.

ART. 16. If there are no water courses, and such surveys are unnecessary, the land will be divided into lots in accordance with local conditions.

ART. 17. Lots will be duly numbered and the lines intersecting them will always, when convenient, run exactly north and south or east and west.

ART. 18. If the position and importance of the nucleus demand the establishment of headquarters, which will later be a township, sufficient land will be reserved for this purpose favorably situated in the part of the district which is flattest and which, from a hygienic point of view, is most fitted for a populous center. On this site the ground will be prepared and the necessary buildings erected in accordance with plans duly drawn up.

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The headquarters will be the converging point for the principal roads of the nucleus.

ART. 19. In each nucleus ground will be set aside for erection of schools and for experiments in the cultivation of vegetables which may be grown with advantage in the district for instruction farms, industrial purposes, etc.

ART. 20. The lots will be classified as rural and urban.

§ 1. Rural lots will be devoted to agriculture and cattle breeding and will be of sufficient extent for the work of the colonists who own them.

§ 2. As a general rule, rural lots will not exceed 25 hectares when situated along or near a railway or river navigated by steamers, but otherwise they may be up to 50 hectares.

§ 3. Urban lots will be those situated at the headquarters and will ultimately form the township, and all their fronts will be on streets and squares.

§ 4. No urban lot may exceed 3,000 square meters unless set apart for some special purpose.

ART. 21. As a general rule, a good and sanitary house will be built on each urban lot to be occupied by the immigrant and his family, whilst the ground will be prepared for the first cultivation to be made by the person who acquires it.

§ 1. Immigrants who desire to erect houses at their own expense and according to their own taste will have lots without houses reserved for them.

§ 2. Under the conditions of the preceding section the immigrant and his family who acquire the lot will be afforded temporary quarters until they have built the house, which must be within the space of one year.

ART. 22. Rural lots will be sold either for cash or for payment in installments. In the former case a definite title will be handed over immediately and in the latter a provisional title which will be substituted by a definite one as soon as all payments have been made.

§ 1. Anyone purchasing a lot on the installment system may pay off the debt in full or in part before the due date at any time in order to shorten the period for receiving the definite title.

§ 2. Under the conditions of the preceding section the purchaser will enjoy the privileges of section 2, article 40.

ART. 23. Urban lots will only be sold for cash.

ART. 24. Lots will be sold at a moderate price, which shall be previously fixed according to their size and position.

ART. 25. Where there is a house on the lot the cost price of the same will be added to the price of the lot.

ART. 26. Rural lots may be sold on the installment system to immigrants accompanied by their families.

ART. 27. Immigrants who are not accompanied by their families may only purchase rural lots for cash.

ART. 28. The immigrant who is accompanied by his family may acquire a new lot after he has obtained a definite title to the first. When the family consists of more than five persons fit for work, or when the immigrant has cultivated and improved his first lot, he will be allowed the preference for the purchase, even on the installment system, of a second lot adjoining or close to the first.

ART. 29. The foreign immigrant who is an agriculturist and has been less than two years in the country who marries a Brazilian woman or the daughter of a Brazilian born in the country, or the Brazilian agriculturist who marries a foreign woman who has been in the country as an immigrant less than two years, will be given a lot with a provisional title, without the pair having to pay anything, provided that during the first year from the granting of the provisional title they have lived together in harmony and have shown by the way that they have cultivated and improved the lot that they mean to continue to do so.

ART. 30. If the foreign or Brazilian immigrant, under the conditions of the preceding article, desires to obtain a lot with a definite title immediately after his marriage, the same will be sold him for half the stipulated price.

ART. 31. On the provisional title granted to the immigrant shall be written the full price of the lot and the main conditions to be observed for the obtaining of a definite title.

ART. 32. When definite titles to the lots have been granted to immigrants who are not in debt to the nucleus, the same become their absolute property.

ART. 33. When the occupant of the lot is in debt to the nucleus, he can not, without a written authorization from the administrator, sell, mortgage, transfer,

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let, give as security, exchange, or alienate in any manner, directly or indirectly, the said lot, house, or improvements.

ART. 34. Immigrants will be transported free of charge to the nucleus.

ART. 35. Immigrants arriving for the first time at the nucleus will be given, free of charge, seeds and tools, such as hoes, spades, picks, axes, and scythes.

ART. 36. During the first six months from the date of their arrival at the nucleus and until the harvest and sale of their produce, immigrants coming from abroad and settled as owners of lots shall, when necessary, be granted means for the maintenance of their families.

ART. 37. For the space of one year, under the same conditions as in the foregoing article, all immigrants will receive medical attendance and medicines free of charge. This period may be prolonged at the discretion of the administrator of the nucleus.

ART. 38. Stores or depots, where foodstuffs and other articles of prime necessity will be sold at moderate prices, will be established in the nucleus colonies to guarantee supplies for the population; the immigrants being absolutely free to buy these goods for their own account wherever they like.

ART. 39. During the first year after their installment, or for a longer period if Government so decides, aid may be given, for such immigrants as desire it, for the purchase or hiring of agricultural implements and machinery, live stock and vehicles necessary for the cultivation of the lots, preparation and transport of the produce.

ART. 40. The price of the lots, with or without house, when the same are purchased on the installment system, as well as any aid granted, except for work done or classed as gratuitous, shall be written in a book and handed to the debtor in the form of a current account, and shall constitute the debt of the immigrant for which the head of the family is responsible. He shall begin amortization by yearly installments not later than at the end of the second year after his establishment. After this date, if no payment has been made, interest will be charged at the rate of 3 per cent per annum on the installments due.

§ 1. When the nucleus is situated on or near railways, or rivers navigated by steamers, the period for amortization shall be five years, counting from the first day of the third year of the installment of the immigrant; in other cases, or when Government deems it advisable, the period will be eight years under the same conditions.

§ 2. The immigrant who pays his debts in advance will have a right to a rebate at the rate of 12 per cent per annum on installments that are outstanding.

§ 3. The immigrant who pays the full value of the lot will immediately receive a definite title to the same, even though he has still other debts outstanding contracted with the administration of the nucleus.

ART. 41. In the event of the decease of the head of the family, in whose name the provision or definite title had been drawn up, the lot will pass to his heirs or legal representatives on the same conditions on which he himself held it.

If the nucleus has not yet been emancipated, the transfer will be made by an official order of the administration without any legal intervention.

ART. 42. Any debt which the deceased head of the family had contracted with the nucleus will be considered extinct if he leaves a widow and orphans, save that arising from the purchase of the lot on the installment system.

ART. 43. If the lot was purchased on the installment system and the deceased had already paid at least three installments, the remainder will be remitted in favor of the widow or orphans and a definite title granted.

ART. 44. Government will maintain free primary schools and will organize exhibitions and fairs of agricultural and industrial produce in the nucleus colonies, if deemed expedient.

ART. 45. Prizes will be offered for the reward of producers who most distinguish themselves at the exhibitions or in any other way.

ART. 46. Where the nucleus is intended for foreigners, not more than 10 per cent of the lots may be sold to Brazilians, but when in a nucleus the number of lots held by foreigners is 300 or more a special area near the lots will be set aside for Brazilian agriculturists, if deemed advisable

ART. 47. In States or districts, where hitherto no colonies or nucleus colonies of foreign agriculturists have existed, the Federal Government may adopt special measures, when necessary, to guarantee the first nucleus under conditions favorable to its development so that it may serve as a center of attraction for the establishment of an increasing number of immigrants.

ART. 48. Each nucleus will be regulated according to special rules made with a view to the peculiarities of the locality and the needs which may arise.

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ART. 49. The emancipation of the nucleus colonies will be granted by Government as soon as the immigrants settled therein require no further aid.

CHAPTER III. *Concerning nucleus colonies founded by the States in conjunction with the union.*

ART. 50. The union may bring in immigrants who, under the protection of the States, are to be settled as owners in nucleus colonies, which the state governments propose to found at their own expense, or by contract with land owners after the favorable conditions of the colonies, their hygienic condition, the good quality of their soil, and the works of preparation are approved.

ART. 51. The union may grant aid to such States as found nucleus colonies under their own direct administration in accordance with the following article and the budgetary resources at its disposal.

ART. 52. The foundation of nucleus colonies under the direct administration of the State and with the aid of the union will be in accordance with the conditions laid down in this chapter, with special regard to the following:

I. The State will choose the locality which it judges favorable from the point of view of health, cultivation, production, safety, facility of communication, and cheap transport, and shall submit its choice, together with the general plan of the colony, including the type of the houses and other necessary information, for the approval of the Federal Government, in order that the union may give a grant in aid.

II. When the choice and plans have been approved, the State will make all the necessary preparations.

III. When all necessary work has been carried out so as to guarantee the convenient transport and the regular installment of immigrants and their families on lots exactly measured out and defined, in accordance with the approved plan, the union will, at its own expense, bring in the immigrants to be settled at the expense of the State, the latter being free to choose them by means of persons especially appointed for this purpose.

IV. All services of the nucleus will be at the cost of the State.

V. The union will help the State to the extent of 25 per cent on all money which it has actually expended for the foundation of the nucleus, provided that this does not exceed 800$000 for each foreign family settled.

The payments made by the union will be in three installments:

(*a*) The first, up to 250$000, per house, of the type accepted by the Federal Government, erected on a rural lot; (*b*) The second, also up to 350$000, when the immigrant and his family have taken possession of the lot and have received either the provisional or definite title to the same; (*c*) The third and last, not to exceed 300$000, according to the valuation made by the federal official appointed for this purpose, when the immigrant and his family have been established on the lot for six months.

ART. 53. On nucleus colonies in receipt of union aid the percentage of lots set aside for Brazilians may not exceed 10 per cent of those reserved for foreign agriculturists.

Aid granted for the settling of each family of Brazilian colonists may not exceed 500$000 maximum, payable in installments in accordance with sections (*a*) and (*b*) of No. V of the preceding article, after the settling of foreign families, according to the percentage above mentioned.

Without union aid the State may form, with any number of lots it pleases, areas close by intended for Brazilians.

ART. 54. Titles to the lots will be given by the state officials in accordance with the law.

ART. 55. Of the amount produced by the sale of lots, 75 per cent will belong to the States, except in case of agreements with regard to land sold by private individuals to immigrants or colonies, whilst the remaining 25 per cent will be handed over to the union for the help which it has granted.

ART. 56. The State alone may collect debts contracted by the immigrants with the nucleus.

ART. 57. Nucleus colonies founded by States with union aid must be regulated according to the rules adopted by the latter.

ART. 58. When it is deemed useful to construct a railway to link up fallow lands, which may be colonized, or nucleus colonies with railway stations, consuming centers, ports on the sea or rivers, the union may help this construction by means of a subvention paid in a lump sum, when the lines are open to traffic, at the rate of 6:000$ per kilometer.

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Conditions, whether of a technical nature or referring to dates for payment, indemnification for help given, maximum length to receive subsidy, and any other matters, will be defined in the contract to be signed previously.

CHAPTER IV. *Railway colonization.*

ART. 59. The settling of land along or near railways, in course of construction or already in traffic, as well as along rivers, navigated by steamers, ought to be undertaken and pushed by the various companies, independent of any initiative on the part of the federal or state government, of associations, or private individuals.

ART. 60. By "railway companies" or "company," for the purposes of this chapter, is understood any single or collective entity which has for its purpose the construction of railways or carriage roads or the establishment of shipping lines, in virtue of a contract made with the Union or with the State.

ART. 61. The settling will be effected by the installation of families of immigrants accustomed to agricultural labor or cattle breeding as owners of lots, properly measured and marked out, situated along or within 20 kilometers of either side of the railway or river, and forming nucleus or service roads.

ART. 62. Any railway company which desires to obtain the aid and privileges indicated in this chapter must observe the dispositions of this decree and obtain official authorization, which will be granted by Government when it deems advisable, its responsibility being limited by the budgetary resources at its disposal.

ART. 63. The choice of the locality most fitted for nucleus and railway colonies will depend on careful study of all the circumstances essential to the development of the colony, special attention being paid to the mildness and healthiness of the climate, the abundance, quality, and distribution of the water, orographic conditions, the nature, fertility, and producing power of the soil, the extent of the forests, groves, plains, and land under cultivation, disposable area, and every other question which it may be necessary to consider for the proper establishment of the colony.

ART. 64. The choice of locality made by the company will be submitted for the study and report of the fiscal engineer or federal official, appointed for this purpose, and for the examination and approval of the Federal Government.

ART. 65. The general plan, comprising the division of the land into lots, areas of the same, cart roads and paths to be made, type of houses for the immigrants, will be submitted for the approval of the Federal Government, and shall be executed in accordance with that approval. Otherwise the aid and privileges treated of in this chapter will not be granted.

ART. 66. The land required for the nucleus or railway colonies will be acquired by the company by purchase, concession, or by agreement with the States or private individuals, and when necessary its disappropriation will be authorized.

It is absolutely necessary that the land should be previously proved to be free of any litigation, legal onus, concession, or contract, so that it may be transferred free from any claim whatsoever.

ART. 67. When the position of a nucleus or the number of the rural lots calls for the establishment of headquarters, which shall ultimately become a township, the company will apportion the necessary urban lots according to approved plans.

ART. 68. As soon as the rural lots are ready and have proper means of communication the families of immigrants will be settled thereon.

ART. 69. The company will maintain to the best of its ability and in combination with the Federal Government a propaganda service abroad, for the sale of lots, duly marked out and prepared, to immigrants accustomed to agricultural labor or to cattle breeding, in order that they may come and settle thereon.

ART. 70. The Federal Government may authorize or promote, at its own expense, introduction of immigrants for the nucleus or railway colonies, and will pay their passages from the port of their country of origin to that of their destination, effect their disembarkation, house and feed them, and give them free transport to the station nearest the nucleus.

ART. 71. The service of settling the immigrants, including help given them for the same, will be at the expense of the company, which shall furnish the new arrivals with tools and seeds and, whenever convenient, give them paid work on the railway or near the lots, to make it easier for them to keep up the same, and shall supply them, whenever necessary, with advances of food or money until the first harvest.

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ART. 72. Rural lots, with any improvements thereon, will be sold to the immigrants for cash or in installments.

ART. 73. The price of lots and of houses and the conditions of payment depend on the approval of the Federal Government, which reserves to itself the right of fiscalizing anything which is in the interests of the colonists, or deals with the rights which are guaranteed to them.

ART. 74. The company binds itself to aid the transport of the colonial produce, and will grant a rebate or reduction in freights of 50 per cent on the tariff in force for five years dating from the installment of the first family on a lot of any nucleus or railway colony whose foundation was made under the conditions of this chapter or was undertaken by the Union or by the States for the settling of foreign immigrants as owners of the land.

ART. 75. The company will render every aid in its power to immigrants for the improvement of their produce and will stimulate the formation and increase of small industries; it will promote in the colonies which it founds the creation of free primary schools, and will build churches for the immigrants, irrespective of denomination.

ART. 76. The Federal Government will grant, under the heading of "Aid," premiums to any railway company which carries on with regularity the settling of foreign immigrants as owners of the land as hereby laid down.

The premiums will be agreed upon and fixed when the general plan is approved (see art. 65 of this decree), and must not exceed the following maximums:

I. 200$000 for each house constructed on a rural lot so soon as the type has been officially approved and the house is in the possession of the immigrant family.

II. For each immigrant family, which has never before been resident in the country, brought in from abroad at the expense of the company and settled on a rural lot:

(*a*) 100$000 when the family has been settled for six months;

(*b*) 200$000 when the family has been settled for a year and has increased the area of cultivation and the live stock and shows every intention of continuing to do so.

III. 5:000$ for each group of 50 rural lots occupied by families of foreign immigrants who in the same colony and within two years of the settlement of the first family have received definite titles of ownership.

ART. 77. When the families of immigrant farmers are not brought from abroad at the expense of the company, the latter shall undertake to establish them in the same conditions as those of article 76, but has no right to premiums I and III.

ART. 78. When 50 rural lots are definitely occupied by families of foreign immigrants the company may settle 5 Brazilian families on neighboring lots, and so on in the same proportion, and the Government in this case will grant the same premium referred to in the preceding article for the settling of foreign families.

ART. 79. The company may obtain from the State interested any other privileges and aid besides those granted by the Federal Government.

CHAPTER V. *Colonization by companies, associations, and private individuals.*

ART. 80. Companies or associations and reputable private individuals who have at their disposal land so situated as to be fitted for colonization, and who undertake to divide the same into lots and to sell it to foreign immigrant farmers so that the said immigrants may live on the lots as owners of the same, may receive grants in aid from the union and the State as is most convenient in each particular case.

§ 1. The following are the essential conditions to be observed if union aid is to be lent:

(*a*) The estates must be free from litigation, mortgage, and every other legal onus, or the existence must be proved of a proper contract between the debtor and the creditor who holds the mortgage, the terms of which permit of the transference to immigrants free from any claim whatsoever.

(*b*) The area available must be sufficient, in the opinion of Government, for the settlement of at least 50 families of immigrants on an equal number of rural lots, which shall be adjoining or spread over a district, the greatest radius of which shall not exceed 12 kilometers.

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(*c*) The soil must be fertile and the district healthy and the colonies within easy reach of commercial centers, to which they shall be joined by rail or carriage roads, and the conditions must be such as to allow for agricultural and industrial expansion on the part of the colonies and for the sale of their produce in a favorable market. The supply of drinking water must be abundant and such that each lot shall be provided with a proper supply for private use and for irrigation, and, finally, the general conditions must be such as will insure the prosperity of the new owner of the lot.

(*d*) An official inspection will be made of the district and of all documents referring to the property, in order that the foregoing conditions may be found to have been complied with.

(*e*) The lots must be of sufficient size to allow of expansion.

§ 2. The Federal Government will make no loans.

ART. 81. So soon as the essential conditions referred to in the preceding article have been found to be complied with, the immigrants and their families, who are to be settled as owners of the land, may be brought in by the union directly or on the refunding of their passage money at current rates on the following conditions:

(*a*) That they are in a position to buy the lots cash down and have sufficient resources to keep themselves, while cultivating the land or starting any industry, until they begin to make a profit, without any other privileges; or

(*b*) The owners of the land shall prove that they have made a contract with the immigrants, or with the government of the State interested, on such terms as to guarantee not only the sale of lots, marked out and ready, at a reasonable price, but also the granting of such aid as the immigrants shall need at the time of their first installment and until they are in a position to support themselves.

ART. 82. Apart from the aid given in accordance with the preceding article the union may grant to the respective companies, associations, or private individuals premiums for the families of immigrant farmers settled when they have been installed for a year to a year and a half and are prospering and show intention to remain.

§ 1. The number of families settled, which will give a right to premiums as well as the amount and mode of distribution of the same, will be arranged by the Federal Government in each case.

§ 2. The State interested may aid in the measuring and marking out of the lots and grant any other privileges which it may see fit.

ART. 83. At the same time that the Federal Government recognizes, in accordance with articles 80 and 81, that the circumstances are favorable for the settling of immigrants as owners, and authorizes the company, association, or private individual to make the lots ready for their reception, it may fix a date by which time the necessary work must be concluded, and if it is not concluded by that date the union will no longer be responsible for granting aid or premiums.

ART. 84. When companies, associations, or private individuals promote the settling, on a large scale, of land which belongs to them, as in § 1, sections (*a*), (*c*), (*d*), and (*e*), of article 80, and propose to link up their property by branch lines to railway stations already existing, consuming centers, and sea or river ports, the Federal Government may grant them, if it deems convenient and subject to contract made previously, a subsidy of 6:000$ per kilometer open to traffic.

In said contract shall be defined the conditions to be observed with regard to technical questions and those affecting date of payment, the maximum length to be subsidized, repayment of aid granted, etc.

ART. 85. Agricultural banks and syndicates, formed according to the laws at present in force, so soon as they have subscribed to the conditions of this decree, will be granted the preference for the obtaining of aid and premiums on the bases here laid down.

CHAPTER VI. *Concerning service roads.*

ART. 86. Whenever convenient service roads may be established at points starting from railways already in traffic or construction or from rivers navigated by steamers.

ART. 87. A service road in accordance with this decree is a carriage road with lots on either side of it, duly measured and marked out and contiguous to each other, and intended for the settling of immigrants as owners of the soil.

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ART. 88. Service roads ought to be situated in districts which satisfy all the essential conditions exacted for nucleus colonies, and by preference will be opened on fallow lands or private estates, which have been abandoned when accidents of position or splitting up into strips which are more fertile, or other circumstances suggest the adoption of this system for their better exploitation.

ART. 89. Service roads will only be made over fallow lands by the State or in agreement with it.

ART. 90. The definite construction of service roads over private estates will be undertaken by the owners, or in agreement with them, unless, when surveys and plans have been made, no agreement can be come to and it is found necessary to disappropriate the estates in the public interest.

ART. 91. Service roads will be the same basis as nucleus colonies in every respect.

DIVISION III. CONCERNING IMMIGRATION.

CHAPTER I. *Concerning the introduction of immigrants.*

ART. 92. The Federal Government will promote the introduction of immigrants who, being agriculturists and accompanied by their families, desire to settle in the country as owners of the land on lots belonging to nucleus colonies or on such other estates as satisfy the requirements of this decree.

ART. 93. Immigrants will be introduced in proportion as the lots are measured, marked out, and ready for their reception.

ART. 94. In special circumstances, and in order to meet an obvious and immediate want, the Federal Government may, at its discretion, bring in, at its own expense, professors of agriculture or industry or immigrants of any nationality and profession for the construction of railways, public works, factories, etc., which will be to the advantage of the immigrants.

ART. 95. Immigrants shall be considered spontaneous who come from foreign ports and travel second or third class at their own expense.

ART. 96. The union will refund the third-class fares from the port of embarkation to the port of disembarkation to such spontaneous immigrants as are farmers and whose families consist of at least three persons of more than 12 and less than 50 years of age fitted for work and who settle as owners of the land.

§ 1. The amount to be refunded for passages will be calculated according to the price paid during the same month to shipping companies who have carried immigrants between the same ports at the expense of the union, or, failing this, at the expense of the States.

If no such basis is available, the fares will be refunded in accordance with the usual prices charged by the respective companies.

§ 2. The right to this refunding lapses if the same is not claimed within two years from the date of entry of the ship on which they arrived.

ART. 97. When the number of spontaneous immigrants arriving in the country is not deemed sufficient or to be increasing satisfactorily, the union will grant, free of charge (without any repayment whatsoever having to be made to the Government), to such foreigners who are farmers and arrive accompanied by their families or invited by them, when they have been recognized as immigrants according to the terms of article 2 and come with the intention of settling as owners of the land:

I. Third-class passages from the port of embarkation to the port of Rio de Janeiro or any other Brazilian port which is properly equipped with a department for their reception and housing.

II. At the above-mentioned ports, reception, disembarkation of themselves and their baggage, lodging, food, medical attention and medicine in case of illness at their arrival and for such period as may elapse before they are settled at the point which they may choose.

III. Transport by rail or steamer to the station or port of destination.

ART. 98. Such immigrants as are spontaneous or come with their passages paid by the States or third parties and arrive at Rio de Janeiro or any other Brazilian port which is properly equipped for their reception and housing will be granted the privileges mentioned in Nos. I and II of the preceding article.

ART. 99. Such immigrants as come into the country at the expense of the union, according to article 94, will also have a right to the privileges laid down by article 97.

ART. 100. Immigrants' baggage, including tools necessary to agriculture or for the profession to which they belong, will be admitted duty free in accordance with the law at present in force.

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ART. 101. All information that they may desire will be afforded to immigrants by means of interpreters, who will accompany them whenever necessary.

ART. 102. Immigrants are absolutely free to choose their destination, and it is strictly forbidden to influence them in any way in this matter.

ART. 103. Representatives of Brazil and immigration commissioners abroad will take every measure necessary to prevent the arrival of second and third class passengers who can not be recognized as immigrants *ex-vi* article 2 of this decree.

The officials for the reception of immigrants, the doctors attached to the public health department, and the police of Brazilian ports will prevent the disembarkation of such persons, and the shipping companies on whose vessels they arrive are obliged to repatriate them.

CHAPTER II. *Concerning formalities for the introduction of immigrants.*

ART. 104. Immigrants will be brought in at the expense of the union by shipping companies or shipowners who have been duly authorized by representatives of the Federal Government. The price will be fixed beforehand, whilst the hygienic condition and the accommodation of the passengers must be assured in accordance with the dispositions of this decree.

ART. 105. The agreement shall be fixed by one or more companies as and when the Federal Government may determine, and preference shall be given to those who best meet the wishes of the Government and offer the best guaranties, together with low rates for rapid transit and good accommodation and treatment for the immigrants.

ART. 106. Any agreement for the introduction of immigrants will only remain in force at the convenience of the Federal Government, which reserves to itself the right, by its own action or those of its accredited representatives, of exercising full fiscal action, of choosing immigrants, of refusing those who do not comply with established conditions, of refusing right to embark, of limiting the number of passengers, and, finally, of refusing to recognize the agreement at any time without any indemnity.

ART. 107. Only those immigrants will be introduced at the expense of the union whose passages have been arranged with companies with whom an agreement is in force by the duly accredited representatives of the Government.

ART. 108. Whilst the agreement is in force the companies will also bind themselves:

I. To grant to all emigrants who shall be classed as immigrants, according to article 2 of this decree, and who desire to come with second or third class passages, which they pay themselves (spontaneous), a rebate of 10 per cent on the official rates, according to their ages and the ports of embarkation and disembarkation.

II. To never charge higher prices than those arranged with the Federal Government, in accordance with age and between the same ports, for the transport of immigrants who are introduced through the officials of the federal immigration service at the request of governors of States, companies, associations, and private individuals who undertake to bear the expense.

ART. 109. Preference for transport by shipping companies who have contracts under this decree will be given to spontaneous immigrants, those invited by their relations already established here, those called officially, and the families of farmers which consist solely of members of over 12 and under 50 years of age.

ART. 110. Companies which undertake the introduction of immigrants must advise Government at least eight days before their arrival here as to the date of embarkation abroad, the probable date of arrival, the name of the ship on which they are coming, and their number.

ART. 111. Immigrants brought in at the expense of the Federal Government shall present a list in duplicate, in which shall be inscribed their name, age, state, nationality and profession, relationship to the head of the family, and quantity of luggage, containing their own declaration that they have disbursed nothing for their own passages or those of their families or for the transport of their baggage.

These documents must bear the visé of the official appointed for this purpose at the port of embarkation or, in default of this, the visé of the Brazilian consul or consular agent.

ART. 112. The company carrying immigrants at the expense of the Federal Government will draw up a detailed list of the baggage handed to them, which,

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together with the other documents, will be presented to the officials at the port of arrival.

ART. 113. Such immigrants as are brought in at the request and expense of the States, companies, associations, and private individuals of the federal immigration agency abroad must also possess documents similar to those held by immigrants brought in at the expense of the Federal Government.

ART. 114. Immigrants' luggage shall arrive on the same vessel as themselves, and the company, when receiving it at the port of embarkation, shall hand to each immigrant, or head of the family, a receipt showing the number of pieces belonging to him and such marks as will facilitate their delivery.

These receipts must be checked with the list treated of in article 112 of this decree.

ART. 115. The parentage, age, morality, and profession of the immigrants shall be proved by trustworthy documents bearing the visé of the official appointed for this purpose at the port of embarkation or, in default of this, the visé of the Brazilian consul or consular agent, any of which officials shall have the right to refuse these and other documents which they may consider to be false or insufficient.

ART. 116. In the agreements made with the shipping companies, rules shall be laid down affecting the constitution of families or immigrant farmers who are to be brought in at the expense of the Federal Government, as well as any other conditions which may affect the service.

CHAPTER III. *Concerning the service of receiving, disembarkation, housing, feeding, and distribution of immigrants.*

ART. 117. The service of receiving, disembarkation, housing, feeding, and distribution of immigrants will be carried out at the expense of the union at the port of Rio de Janeiro.

ART. 118. In State ports the services treated of in the preceding article will be at the expense of the State interested, whilst the union may also lend aid, as indicated in this chapter, by mutual arrangement.

ART. 119. The union will grant aid to the States toward defraying the expense of the service of receiving, disembarkation, housing, and distribution, if the immigrants are brought in at the expense of the Federal Government or are spontaneous, according to the conditions of this decree.

ART. 120. In other cases than those provided for in the preceding article the cost of the said services will not be defrayed by the union, but will be at the expense of the States, companies, association, or private individuals.

ART. 121. Without previous official authorization the companies, associations, or private individuals may not undertake the disembarkation of immigrants.

ART. 122. Union aid, as referred to in article 119, will consist in payment to the States of an amount previously fixed and calculated on an average per immigrant, taking into consideration the conditions of the port and of disembarkation, the time spent in the hostels, which must not exceed six days, except in the case of the illness of an immigrant or of a member of his family.

So soon as the state government has made an arrangement with the Federal Government as to the amount payable, the latter will appoint an official at the respective hostel, who shall calculate the amount of the grant to be made and shall take such measures as may be necessary for arranging the destination of the immigrants and furnishing them with such information as they may require.

ART. 123. Transport by rail or boat will be paid for by the union when the immigrants are spontaneous and when they request same, when they have been brought in at the expense of the Federal Government, companies, associations, or private individuals, and when the means of communication are under the administration of the Federal Government.

ART. 124. Transport by high roads or cart roads from the railway stations, or ports where the immigrants disembark, to the nucleus colonies or place of destination will be furnished by the union if the said colony be under their administration, and at the expense of the States, companies, associations, or private individuals when these have founded the nucleus colonies or have brought in the immigrants.

ART. 125. The lodging of newly arrived immigrants at the nucleus colonies or place of destination will be at the expense of the administration of said colonies or of the parties who brought in the immigrants, whether these be the union, the States, companies, associations, or private individuals.

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ART. 126. The services of receiving, disembarkation, housing, feeding, and distribution of immigrants are worthy of the greatest care on the part of the officials, who shall carry out such services with the utmost zeal.

CHAPTER IV. *Concerning repatriation.*

ART. 127. Government will repatriate such agricultural immigrants as may desire it, who have been brought in at the expense of the union, if they have resided in Brazil for less than two years and under the following conditions:

I. Widows and orphans who absolutely can not support themselves and have no members of their families to fall back upon.

II. Such immigrants as are incapacitated from work on account of incurable disease or from accidents arising from work, if they have no other members of their family fit for work.

III. Wives and children (less than 12 years of age) of immigrants in the above-mentioned case, if they have no means of support.

IV. Children of less than 12 years of age and members of immigrant families in the above-mentioned circumstances.

ART. 128. For repatriation to be granted to immigrants in Cases I, III, and IV of the preceding article, they must have lived continuously under the roof of the head of the family whose absence and incapacity is the reason for their request.

ART. 129. Repatriation will be granted, if requested, to spontaneous immigrants or to those recognized as such according to the dispositions of this decree when they are in the condition mentioned in articles 127 and 128.

ART. 130. Such immigrants as are in the position referred to in the three preceding articles and wish to return to their country of origin will be given third-class passages by Government to the port nearest their destination, and aid toward their expenses of 50$ to 200$, according to the number of persons in the family and the length of the journey.

ART. 131. Lots which are held on definite titles by immigrants having a right to repatriation may be sold by them or transferred for their advantage, without prejudicing the rights of third parties, and on the liquidation of any debts they may have contracted with the union. If the title is provisional, they will be authorized to sell or transfer them for their own benefit, according to the rights which they possess.

DIVISION IV.

SOLE CHAPTER. *General regulations.*

ART. 132. The Federal Government may defray the expenses of a trip home as reward to such immigrants who have resided not under three and not over six years in Brazil, and who own definite titles to landed property. Such rewards will be granted only to immigrants who by their good behavior, morals, and zeal in their work shall have deserved them.

ART. 133. The Federal Government shall every year fix the number of the rewards referred to in the preceding article and authorize the choice of the immigrants entitled to them, granting them free return tickets if desired.

ART. 134. The transmission and reception of letters and telegrams between immigrants and their relations or friends residing abroad will be facilitated as much as possible through interpreters or by other means.

ART. 135. Nucleus colonies for the exclusive reception of Brazilian farmers will only be founded by the union when the public need demands it and the interested State can not undertake the same. The State will, however, contribute a share of the expenses.

ART. 136. The Federal Government will employ all the necessary means for disseminating knowledge by means of an active propaganda of the natural advantages, multifarious resources, and easily gained livelihood which Brazil offers to hard-working people who desire to employ their activity on any part of its territory.

ART. 137. For the full and complete execution of this decree supplementary instructions will be issued.

ART. 138. All dispositions to the contrary are hereby revoked.

Rio de Janeiro, April 19, 1907.

MIGUEL CALMON DU PIN E ALMEIDA.

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AGREEMENTS BETWEEN BRAZIL AND COLOMBIA.

File No. 7692/3–5.

Ambassador Dudley to the Secretary of State.

[Extract.]

No. 105.] AMERICAN EMBASSY,
Petropolis, December 21, 1907.

SIR: I have the honor to inclose herewith a translation of the following three documents, which appear in the Diario Oficial of December 20, 1907:

Treaty of boundaries and navigation between Brazil and Colombia;

Modus vivendi relative to navigation and commerce on the Ica or Putumayo; and

A protocal complementary to the modus vivendi agreement.

I also inclose a translation of the letter of Baron do Rio Branco, the Brazilian foreign minister, transmitting these documents to the President of Brazil for submission to the ratification of the Federal Congress.

The point in Baron do Rio Branco's letter which has specially attracted my attention is his allusion to the treaty concluded in 1777 between Portugal and Spain, for the purpose, as has always been maintained by the interested Spanish-American republics, of defining the boundary between the possessions which, in colonial times, were Portuguese and which were Spanish. The statement is made by the Brazilian foreign minister that by common consent Brazil and Colombia agreed to regard this treaty as not in force, and to make the actual possession of their nationals, and their rights growing therefrom, the criterion of decision.

Accompanying this dispatch I also forward the department a copy of the Diario Oficial containing the original text of the several documents hereinbefore specified, and will forward a second copy by the next mail, not having it or being able to procure it in time for this outgoing mail.

I have, etc.,

IRVING B. DUDLEY.

[Inclosure 1.—Translation.]

Treaty between Brazil and Colombia.

The Republic of the United States of Brazil and the Republic of Colombia, desirous of consolidating on a firm and durable basis their old relations of peace and friendship, of suppressing any reasons for discord, and for facilitating the development of their interests of good friendship and of commerce, have decided to conclude the following treaty, and taking into consideration, for a friendly agreement, the condition of their respective powers and rights, for that purpose have nominated their plenipotentiaries, viz: His Excellency the President of the Republic of the United States of Brazil, Dr. Enéas Martins, minister resident on special mission near the Government of Colombia; and His Excellency the President of Colombia, Gen. Alfredo Vasquez Cobo, minister of foreign relations, who, after having exhibited their full powers, which have been found in due form, have stipulated the following:

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ARTICLE 1.

The frontier between the United States of Brazil and Colombia, between the rock of Cocuy in the Rio Negro, and the mouth of the Apaporis on the left bank of the Yapurá or Coquetá, shall be the following:

SECTION 1. From the island of San José, in front of the rock of Cocuy, in a westerly direction it shall follow toward the right bank of the Rio Negro, which it shall cut at 1° 13′ 51″ 76 north latitude and at 23° 39′ 11″ 51 of longitude west from Rio de Janeiro; in other words, at 7° 16′ 25″ 9 of longitude east of Bogotá. From that point in a straight line until it meets the source of the little river Macucuni, an affluent on the right bank of the Rio Negro (or Guainía) and which is entirely in Colombian territory.

SEC. 2. From the course of the Macucuni the boundary continues through the divortiam aquarum, passing between the source of the Igarapi Japeri, an affluent of the Xié, and the source of the river Tomo, an affluent of the Guainía, at the point indicated by the coordinates of 2° 1′ 26″ 65 of north latitude and of 24° 26′ 38″ 58 of longitude west of Rio de Janeiro; or in other words, 6° 28′ 59″ 8 of longitude east of the meridian of Bogotá.

SEC. 3. The boundary shall continue in a westerly direction along the highest part of the winding land which separates the waters which flow to the north from those which flow to the south, as far as the hill "Caparro," whence it shall continue always along the most elevated land which separates the waters which flow into the Guainía from those which flow into the Cuyarí or Iquiary to the principal source of the Memachi, an affluent to the Naquieni, which in its turn is an affluent of the Guainiá.

SEC. 4. From the principal source of the Memachi, at 2° 1′ 27″ 3 of north latitude and 25° 4′ 22″ 65 of longitude west of Rio de Janeiro; or, in other words, 5° 51′ 15″ 8 of longitude east from Bogotá, the boundary shall follow along the highest elevations to the source of the principal affluent of the Cuyarí (or Iquiary) which is nearest to the source of the Memachi, continuing along the course of said affluent to its confluence with the Cuyarí.

SEC. 5. From that confluence the boundary shall descend through the valley of the Cuyarí to the place in which the River Pegua flows into it, its affluent on the left bank, and from the confluence of this river with the Cuyarí it shall follow to the west along the parallel of that confluence to the meridian which passes through the confluence of the Kerarý with the Uaupes.

SEC. 6. Upon reaching the meridian of the confluence of the Kerarý the boundary shall descend along the meridian to said confluence; whence it shall continue through the valley of the Uaupes to the mouth of the Capury, an affluent of the right bank of the said Uaupes, near the rivulet Jauarité.

SEC. 7. From the mouth of the Capury boundary shall follow to the west through the valley of that river to its source, more or less at 69° 30′ of longitude west from Greenwich, descending thereafter along the meridian of its source to the river Yarairá, following through the valley of the Yarairá to its mouth in the Apaporis, and the valley of this river to its mouth in the Yapurá or Coquetá, where the frontier established by the present treaty ends; thus the frontier line is the rock Cocuy to the mouth of the Apaporis; and the remaining portion remaining for a subsequent convention in case Colombia wins the boundary questions which it has pending with Ecuador and Peru.

ARTICLE 2.

The mixed commission, appointed by the two Governments one year after the exchange of ratifications, shall proceed to the demarcation.

SECTION 1. By special protocols the make-up and the instructions for the work of that mixed commission, which must begin work within eight months from the date of its appointment, shall be arranged.

SEC. 2. It is now decided that, to finish and complete the boundary line, wherever it may be necessary on account of breaks in the territory, circles parallel to the equator shall be adopted, and meridian lines in preference to long oblique lines.

ARTICLE 3.

All doubts which may arise respecting the demarcation shall be amicably settled by the high contracting parties, to which they shall be submitted by the respective commissioners, and the demarcation shall be meanwhile continued. If unable to come to an agreement, the Government shall submit the differences to an arbiter.

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ARTICLE 4.

The two high contracting parties shall conclude within the space of twelve months a treaty of commerce and navigation based on the principles of the greatest liberality toward land transit and fluvial navigation by both countries, a right which they mutually recognize in perpetuity from after the approbation of the present treaty, throughout the course of the rivers which rise or flow within or into the region determined by the frontier line established by this treaty; and the fiscal and police regulations in force, or which may be in force in the territory of each one of the countries, must be observed, and these regulations shall in no case establish greater burdens or formalities for vessels, merchandise, and persons of Brazil in Colombia than they have established or may establish in Colombia for Colombian nationals or in Brazil for Brazilian nationals. Colombian ships destined for the navigation of these rivers shall communicate freely with the ocean by the Amazon. The fiscal and police regulations must be as favorable as possible to navigation and commerce, and shall be as alike as possible in the two countries. It is understood and declared that this navigation does not include that from one port to another of the same country or to fluvial commerce which shall continue subject in each one of the two states to their respective laws.

ARTICLE 5.

The present treaty, after having been duly and regularly approved by the Republic of the United States of Brazil and the Republic of Colombia, shall be ratified by the two Governments, and the ratifications shall be exchanged in the city of Bogotá or in that of Rio de Janeiro in the shortest possible time.

In the faith of which the plenipotentiaries of both Republics sign and seal, with their special seals, at Bogotá on April 24, 1907.

(Signed) ENÉAS MARTINS.
(Signed) ALFREDO VASQUEZ COBO.

[Inclosure 2.—Translation.]

Modus vivendi.

The Governments of Brazil and of Colombia, desirous of developing navigation and commercial relations between their respective countries, on the River Içá or Putumayo, have agreed to sign a modus vivendi to that effect, and having met for that purpose in the ministry of foreign relations at Colombia, the minister resident of Brazil on special mission, Dr. Enéas Martins, and the minister of foreign relations of Colombia, Gen. Alfredo Vasquez Cobo, have discussed and agreed in the name of their respective Governments, and duly authorized by them according to the full powers which they have shown, to the following:

ARTICLE 1. The merchant ships of Brazil and Colombia may freely communicate with the ports which these countries have or may establish hereafter in the Içá or Putumayo exempt from tax of whatever kind, except those lighthouse and said dues levied in aid of navigation, and observing the fiscal and police regulations which each one of the two countries may establish for its territory.

Colombian ships engaged in the navigation of the Putumayo may communicate freely with the ocean by way of the Amazon.

ART. 2. During the period this present accord remains in force, foreign importations which are consigned to Colombia by way of the Amazon and the Içá shall be dispatched in the custom-house of Manaos or Belem as places of deposit subject to the Brazilian legislation. Colombian exportations also may be dispatched there by said custom-houses, provided the articles are duly accompanied by manifests issued by the Colombian authorities in the place of their origin and authenticated by the authorities of the Brazilian fiscal post of the Içá.

ART. 3. Brazil will permit, on condition that she is previously notified of the number, the passage on the Amazon and the Içá of Colombian ships of war either way to the jurisdictional waters of Colombia on the Putumayo. Reciprocally, Colombia shall permit the navigation of the men-of-war of Brazil in

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the waters of its jurisdiction in the Putumayo. These vessels shall be subject to the fiscal and police regulations in case they receive merchandise in respective ports.

ART. 4. This modus vivendi shall go into effect immediately and shall be in force until it is denounced or modified by mutual agreement by the two Governments, and is signed and sealed with their private seals at Bogotá on April 24, 1907.

(Signed) ENÉAS MARTINS.
(Signed) ALFREDO VASQUEZ COBO.

[Inclosure 3.—Translation.]

Additional protocol signed between Brazil and Colombia April 24, 1907.

Together in the ministry of foreign relations of Colombia, the minister resident of Brazil on special mission, Dr. Enéas Martins, Brazilian plenipotentiary, and the minister of foreign relations of Colombia, Gen. Alfredo Vasquez Cobo, Colombian plenipotentiary, signatories of the modus vivendi agreement concerning the Içа or Putumayo of April 24, 1907, have agreed, in the name of their respective Governments and as an integral part of the modus vivendi, that the said modus vivendi agreement concerning the Içа or Putumayo shall be considered null and void in case the boundary treaty be not approved or opportunely ratified, which has also been signed to-day, between the rock of Cucuhy and the mouth of the Apaporis at the Japurá or Coquetá.

As a proof thereof they sign this document in duplicate and seal it with their private seals.

(Signed) ENÉAS MARTINS.
(Signed) ALFREDO VASQUEZ COBO.

[Inclosure 4.—Translation].

Brazil—Colombia.

[Agreements signed at Bogotá on April 24, 1907, and submitted to the decision of the National Congress.]

Statement made by the minister of foreign relations relative to the agreements of April 24, 1907, signed at Bogotá.

MINISTRY OF FOREIGN RELATIONS,
Rio de Janeiro, September 30, 1907.

To his excellency Dr. AFFONSO AUGUSTO MOREIRA PENNA,
President of the Republic.

Mr. PRESIDENT: I have the honor to present to your excellency, in authentic copies, so that they may be submitted to the deliberation of the National Congress, the following documents, signed at Bogotá April 24 of this year, by Dr. Enéas Martins, minister of Brazil on special mission, and Gen. Alfredo Vasquez Cobo, minister of foreign relations of Colombia:

1. Treaty of boundaries and navigation between Brazil and Colombia;
2. Modus vivendi agreement relative to navigation and commerce on the Içа or Putumayo; and
3. A protocol complementary to the modus vivendi agreement.

The boundary which the treaty establishes begins in front of Pedra de Cucuhy, on the island of San José, of the Rio Negro, where our boundary with the Republic of Venezuela ends, and follows first toward the west, then toward the south, to the mouth of the Apaporis on the left bank of the Japurá or Coquetá, place where the boundary line ends which, in a northerly direction, begins from Igarape San Antonio on the Amazon, not far from Tabatinga.

Only Brazil and Colombia have disputed domain over the territory to the north of Japurá, so that the fixing of the boundaries described in the present treaty does not implicate the rights or claims of other Republics, our neighbors.

Between the island of San José de Cucuhy and the source of the Memachi, Brazil and Venezuela, in the treaties of November 25, 1852, and May 5, 1859, had arranged and fixed in 1880 a boundary line, but expressly reserving the rights of Colombia, then the Republic of New Grenada. (Art. 6 of the treaty of 1859.)

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In arbitral decision, before the Queen Regent of Spain, the rights of Colombia were victorious over those of Venezuela by the decision of March 16, 1891. It was therefore our duty, after the Madrid decision, to treat with the Government of Bogotá. That is what we have now done, and Colombia has accepted the same boundary line as was fixed in those parts by the commissioners of Brazil and Venezuela.

To the south of the confluence of the Apaporis and of the Japurá Colombia claimed to have the boundary limit with Brazil. That claim is, however, opposed by Peru and Ecuador, both of whom claim sovereignty over the territory claimed by it (Colombia) to the west of our boundary line from the Amazon to the Japurá.

The line from San Antonio to Apaporis has already been recognized as the boundary of Brazil by Peru in the treaty of October 23, 1851, concluded at Lima, and by Ecuador in treaty of May 6, 1904, signed at Rio de Janeiro.

In that treaty of 1904 we declared that neither in that occasion nor in 1851 was it our intention to modify the territories belonging to or in discussion between Ecuador, Peru, and Colombia, among themselves, nor those of Brazil with Colombia.

When the decision of His Majesty the King of Spain is known in the suit, which is following its regular course at Madrid, between Peru and Ecuador, the Colombian Government will dispute with the winner the territory attributed to it before His Majesty the German Emperor and the King of Prussia at Berlin. For that purpose it signed a special arbitration treaty with the Government of Ecuador on November 5, 1904, and with Peru on September 12, 1905.

In the treaty of July 25, 1853, of which Consul Miguel Maria Lisboa, afterwards Baron Japura, the minister of Brazil at Bogotá, and the minister of foreign relations, Lorenzo Maria Lleras, were negotiators, the description of the common boundary commenced at the confluence of the Apaporis and continued in a northwesterly direction. (Art. 1.)

Article 7 reads as follows: "The Republic of New Granada having pending questions relative to the territory touched by the waters of the Tomo and of the Aquio, also relative to that situated between the rivers Japurá and the Amazon, the citizen President of the same Republic, in its name, declares that, in case said territory may come to definitely belong to it, it shall recognize as the boundary limits with Brazil, by virtue of the principal of Uti Possidetis, those stipulated in the treaty between the Empire and Venezuela on November 25, 1852, and in the convention between the same Empire and Peru of October 23, 1851, to wit: As to what refers to the first, a line which, passing by the falls which separate the waters of the Tomo and of the Aquio from those of the Iquiare and Issana, follows toward the east, touching the Rio Negro in front of the island of San José, near Pedra de Cucuhy, situated more or less on a parallel of 1° 38′ latitude; and as to what refers to the second, a straight line drawn from the Fort of Tabzinga toward the north to the confluence of the Apaporis with the Japurá."

The Government of Bogotá recognized, nevertheless, as the boundary of Brazil from the Amazon to the Apaporis the same which we negotiated in 1851 with Peru. The New Grenadan senate, however, rejected the treaty of 1853, and one of the reasons given for this was precisely that to anticipate that recognition would be to weaken the rights resulting from all the titles of New Grenada against Peru and Ecuador in respect to those same territories.

The same reason was presented against the acceptance, which the same treaty of 1853 anticipated, in respect to the line which Venezuela recognized to us from Cocque to the Memachi.

As the Colombian Government came out victorious in its claim against Venezuela in that region, it thought that the same would happen with those which it has with its southerly contenders.

We have been able, however, as has already been said, to maintain now as the boundary line between Brazil and Colombia the same which the senate of New Grenada considered dangerous to accept in 1855, so as not to weaken the New Grenadian rights against Venezuela. We have been able, in addition, to delay the adjustment of the question relative to the line from the Apaporis to the Amazon. And if it should happen, which is possible may never happen, that Brazil meets Colombia on the south of the Japurá, then it will be necessary to definitely settle the question now laid aside. It is to be hoped that the Government of Bogotá, in accordance with the last part of the said article 7 of the treaty of 1853, shall accept the line settled in our adjustments with Peru

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and Ecuador, as it has now accepted that which in another region had been settled by Brazil and Venezuela.

In the treaty of April 24 last, in opposition to the old pretensions based by our neighbors in the insubsistent treaty or preparatory of 1777, Brazil and Colombia have adopted as the criterion for the fixing of their limits the actual possession and the rights growing therefrom. That criterion permitted and facilitated at last friendly concession in the whole of the ancient claim of both. The boundary stipulated separates and covers the Brazilian and Colombian administrative occupancy in the true development which they have with the character of efficient continuous and complete exercise of sovereignty.

Thus the new treaty represents a prudent act, because it dissipates forever old causes of conflicts, which have unfortunately taken place in regions of uncertain boundary, which could not have but increased with the development of activity and individual interests there; and besides prudent it is an honorable act, with reasonable reciprocal concessions, counseled by sentiments and conveniences of loyal harmony and concord.

In that region which includes the northwestern boundary of Brazil there is established by treaty the liberty of fluvial navigation, claimed for a long time by Colombia as its right, independent of any agreement, and Brazil has always subordinated the definite concession of transit by the rivers which cross it to previous settlement of international boundary.

At the same time, as far as the River Içá or Putumayo is concerned, which, as it is the natural exit of the territory to the southeast of Colombia, crosses the territories adjacent to our boundary from the Amazon to the Apaporis, we have agreed on a modus vivendi, by which Brazil permits as a concession, made of its own will and for that reason as a proof of its sovereignty, the passage of Colombian vessels and to export and import commerce by Colombia by the Brazilian district of Baizo Içá.

I believe that the agreements signed at Bogotá on April 24 last deserve the approval of our National Congress, as they have already received that of the legislative branch of Colombia.

The boundary treaty happily ends with the negotiation begun fifty-four years ago by the Visconde do Uruguay, in which on our side Consul Miguel Maria Lisboa, in 1853, and Joaquin Maria Nascents de Azambuza, from 1868 to 1870, so distinguished themselves.

It would be unjust on this occasion not to commend to the high appreciation of your excellency the Brazilian plenipotentiary, Dr. Enéas Martins, for the zeal, tact, and competency with which he conducted negotiations, which are now going to be submitted to the two houses of National Congress.

I beg, etc.,

(Signed) RIO-BRANCO.

REGULATIONS CONCERNING THE EXPULSION OF FOREIGNERS FROM BRAZIL.

File No. 4517/–1.

Chargé Lorillard to the Secretary of State.

No. 90.] AMERICAN EMBASSY,
Petropolis, January 10, 1907.

SIR: I have the honor to inclose herewith, for your information, duplicate copies, together with a translation, of the new Brazilian law relative to the expulsion of foreigners. This law was passed by Congress in December last, was approved by the President on the 7th instant, and was promulgated in the Diario Official of yesterday's date.

I beg to call your attention to article 3 of the law, whereby it appears that a foreigner who has resided two years continuously in Brazil, has married a Brazilian, or is a widower with a Brazilian child, can not be expelled.

I have, etc., GEORGE LORILLARD.

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[Inclosure.—Translation.]

Decree No. 1641, of January 7, 1907.

Regulations concerning the expulsion of foreigners from the national territory.

The President of the Republic of the United States of Brazil:

I make known that the National Congress has decreed, and I sanction, the following resolution:

ARTICLE 1.

The foreigner who, for whatever motive, should compromise the national safety or public tranquillity, may be expelled from a part or the whole of the national territory.

ARTICLE 2.

Are also sufficient causes for expulsion:

1. The condemnation or action by foreign tribunals for crimes or offenses of a common nature.

2. Two condemnations at least, by Brazilian tribunals, for crimes or offenses of a common nature.

3. Vagrancy, beggary, and pandering, when competently proved.

ARTICLE 3.

A foreigner can not be expelled when he has resided two years continuously in the territory of the Republic, or for a lesser time when he is:

(*a*) Married with a Brazilian.

(*b*) A widower with a Brazilian son.

ARTICLE 4.

The executive can impede the entrance to the territory of the Republic to every foreigner whose antecedents authorize him to be included among those to whom articles 1 and 2 refer.

(Sole paragraph.) The entry can not be forbidden to a foreigner in the conditions of article 3, if he should have temporarily retired from the Republic.

ARTICLE 5.

The expulsion will be individual and in the form of an act, which will issue from the ministry of justice and of the interior

ARTICLE 6.

The executive will annually give an account of the execution of the present law to Congress and give it the names of each expelled person, stating his nationality. It will also give an account of the cases in which it refused to accede to the demands of the state authorities and the reasons for the refusal.

ARTICLE 7.

The executive will by an official note inform the foreigner whom it has decided to expel of the reasons for the decision and will concede to him a period of three to thirty days in which to retire. It may also, as a measure of public safety, order his detention until the moment of departure.

ARTICLE 8.

Within the period that may be conceded to him, the foreigner may have recourse to the proper authority which ordered his expulsion, if this (expulsion) is founded on the dispositions of article 1, or to the federal judicial authorities when (the expulsion) results from the dispositions of article 2. Only in this latter case will the appeal have a suspensive effect.

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(Sole paragraph.) The appeal to the federal judicial authorities will consist in the proof of the falsity of the alleged reason, made before the sectional judge with the presence of the public prosecutor.

ARTICLE 9.

The foreigner who should return to the territory whence he has been expelled will be punished with a sentence of from one to three years' imprisonment, in a suit prepared and judged by the sectional judge, and after the sentence has been fulfilled he shall be once more expelled.

ARTICLE 10.

The executive may revoke the expulsion if the causes which determined it have ceased.

ARTICLE 11.

The dispositions to the contrary are revoked. Rio de Janeiro, January 7, 1907, nineteenth of the Republic.

AFFONSO AUGUSTO MOREIRA PENNA.
AUGUSTO TAVARES DE LYRA.

File No. 4517/2–3.

Ambassador Dudley to the Secretary of State.

No. 30.] AMERICAN EMBASSY,
Petropolis, June 5, 1907.

SIR: I have the honor to forward herewith two copies and a translation of regulations just promulgated by the President of Brazil providing the procedure for the enforcement of the Brazilian law for the expulsion of undesirable foreigners, a copy of which accompanied embassy's No. 90 of January 10, 1907.

I have, etc., IRVING B. DUDLEY.

[Inclosure.—Translation.]

Instructions for the execution of Decree No. 1641, of January 7, 1907.

ARTICLE 1. The expulsion of the foreigner, from part or from all the national territory, may take place in the following cases:

I. When the foreigner, for any reason, compromises the national security or the public tranquillity.

II. When he has been condemned or prosecuted by foreign courts for crimes or offenses of a public nature, or when he has been twice convicted by Brazilian courts for crimes or offenses of the same nature.

III. When he is a tramp, mendicant, or practices acts of pandering. (Decree No. 1641 of January 7, 1907, arts. 1 and 2.)

ART. 2. The expulsion provided for in No. I of article 1 may be ordered by the Federal Government upon all occasions in which the individual shows himself, in the exclusive judgment of the Federal Government, prejudicial to the interests of national security or of public order, in any part of the Union.

ART. 3. The condemnation and prosecution by foreign courts is considered proved, sufficient for expulsion, either in view of the data obtained from the governments of the countries to which the individuals in question belong, or in view of certificates thereof, made in due form by proper officers.

The condemnation and prosecution by Brazilian courts will be proved in this second manner whenever it is established that definite sentences, passed to judgement, are treated of.

First. Vagabondage and beggary will be proved by the warrant for imprisonment in flagrant infractions.

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Second. The proof of pandering must be made clear by authorized police inquiry, either by the existence of documents of acknowledged probatory worth, or the depositions of at least two credible witnesses affirming the truth of the charge.

ART. 4. The expulsion will be individual and will be made by act of the minister of justice and domestic affairs.

ART. 5. The act of expulsion having been issued, the foreigner will be officially notified, in writing, of the motives that determined the decision of the Government, allowing him from three to thirty days to leave the country; if it is found necessary, he may be held until the moment of departure.

ART. 6. In the federal district the act of the Government will be executed by the chief of police, the disposition of the preceding article being observed.

ART. 7. Inside of the time allowed the foreigner to leave the country, he may, the expulsion being based upon article 1, appeal to the executive power through a petition addressed to the minister of justice, furnishing him with any documents admitted in law substantiating the appeal.

ART. 8. In other cases where expulsion may be ordered, the appeal will be made before a federal court, and shall always have a suspensive effect.

The last-mentioned appeal shall consist in establishing proof of the falsity of the motive of expulsion, before the sectional judge, there being present a representative of the public ministry, and an appeal lying at the option of both parties to the supreme federal tribunal.

ART. 9. The presidents and governors of the States may make requisition upon the Federal Government for the expulsion of the foreigner within such State, whenever such person falls within any of the conditions provided for by Nos. I, II, and III of Article 1 of the present instructions.

First. Requisitions must be accompanied by the data—copies of the inquiry or any other documents, that may prove not only the identity of the individual whom it is proposed to expel, but his age, nationality, whether married or single, and profession, together with the facts or acts of which he is charged.

Second. The Federal Government, in accord with the state governments, will take the necessary administrative measures to observe the disposition in article 12 of these instructions. In the federal district it is the duty of the chief of police to look to the suitableness of the measures referred to.

ART. 10. The requisitions of the governors of the States having been attended to, the minister of justice will give them immediately knowledge of the fact, to the end that they may take steps in harmony with the provision of article 5.

ART. 11. A foreigner may not be expelled who has resided in the federal district or in the States for two consecutive years, or for less time if married to a Brazilian woman, or who is a widower with a child by a Brazilian woman. (Art. 3 of decree referred to.)

ART. 12. A foreigner will be denied entrance into Brazilian territory whose conduct in the country from which he came may be classified among any of the cases which justify expulsion. (Art. 4 of decree referred to.)

ART. 13. The Government may revoke the expulsion if the causes determining it have ceased to exist—or may allow an extension of time to that already fixed for the foreigner to leave the country.

ART. 14. The foreigner who returns to the territory from which he has been expelled will be punished with a penalty of from one to three years' imprisonment, in accordance with the existing penitentiary system, in proceedings prepared and tried by the sectional judge, with all legal recourses; and after the sentence has been fulfilled he will be again expelled. (Art. 9 of the decree referred to.)

ART. 15. The minister of justice in his annual report will inform Congress minutely in reference to the writs issued, attaching a list of the individuals who have been expelled, under direct decision of the Federal Government or upon requisition from the governors of the States.

ART. 16. In the office of the director-general of justice of the department of state, under which all services are to be executed concerning the execution of the decree No. 1641 of January 7 of the present year, there shall be kept in a special book the register of the writs of the Government issued by virtue of the said decree.

Rio de Janeiro, May 3, 1907.

(Signed) AUGUSIS TAVARES DE LYRA.

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File No. 4517/2–3.

The Acting Secretary of State to Ambassador Dudley.

No. 37.] DEPARTMENT OF STATE,
Washington, October 11, 1907.

SIR: Referring to Mr. Lorillard's No. 90, of January 10, 1907, and acknowledging the receipt of your No. 30, of June 5 last, both concerning the Brazilian decree No. 1641, which provides for the expulsion from Brazil of undesirable foreigners, the department instructs you to inform the Brazilian Government that in case the decree should be found as interpreted in actual practice to conflict with rights secured to citizens of the United States by treaty provisions, or by the principles of the law of nations, this Government reserves the right to bring such infractions of the rights of its citizens to the attention of the Brazilian Government.

I am, etc., ALVEY A. ADEE.

DENUNCIATION OF TREATIES BETWEEN BRAZIL AND CERTAIN OTHER POWERS.

File No. 6672.

Ambassador Dudley to the Secretary of State.

No. 9.] AMERICAN EMBASSY,
Petropolis, April 25, 1907.

SIR: I have the honor to report that the treaty of friendship, navigation, and commerce between Brazil and France, concluded at Rio de Janeiro on January 8, 1826, was denounced by the Brazilian Government on April 13, 1907, to take effect July 13 next. Articles 12, 14, 15, 16, 17, and 20 of this treaty (the only one of special importance) had already been denounced in 1832.

The treaty now denounced is similar to those concluded by Brazil in 1826, 1827, and 1828, with the United States and several European countries, all of which were denounced over fifty years ago.

The treaties between Brazil and Belgium, Holland, Italy, Spain, and Portugal, whereby the consuls of those powers in Brazil are given the right under certain conditions to administer the estates of intestates, were also denounced on the same date.

I have, etc.,

IRVING B. DUDLEY.

File No. 7490/–1.

Ambassador Griscom to the Secretary of State.

No. 91.] AMERICAN EMBASSY,
Rome, June 18, 1907.

SIR: In an interview which I had with His Excellency Mr. Tittoni, the Italian minister for foreign affairs, on the 15th instant, he informed me that his Government was considerably disturbed by the fact that the Government of Brazil has just denounced an accord arranged between Italy and Brazil by an exchange of notes dated the 28th and 30th of March, 1889, which determined the powers of Italian consuls in Brazil in matters concerning the estates of Italians decedent in Brazil. Mr. Tittoni furnished me with a promemoria,

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a copy and translation of which is appended hereto,[a] from which it will be seen that the exchange of notes already mentioned was in the nature of an agreement for the putting into operation of an old regulation approved by decree of the Brazilian Government dated November 8, 1851. It appears that similar accords, with like provisions, were entered into between the Government of Brazil and the Governments, respectively, of Belgium, France, Germany, Portugal, Spain, and Switzerland.

The agreements entered into with Italy and the other States have now been denounced by a note of the Brazilian Government of April 15 last giving notice that the agreements will terminate after three months; that is to say, on the 15th of July, 1907.

Mr. Tittoni stated that the termination of these agreements leaves the estates of foreigners decedent in Brazil entirely at the mercy of the local authorities and deprives the foreign consuls of all power of preserving and protecting the estates of their conationals who die in Brazil. He stated that, as there are about 1,200,000 Italian subjects there resident, the question now raised is giving serious concern to the Italian Government. Although Italy is the foreign country most interested, owing to the great number of Italian subjects in Brazil, yet the minister thinks the matter is one which must also be of interest to our Government, and he therefore asks me to ascertain informally how you are disposed to view the matter. I assured his excellency that I would at once bring the subject to your knowledge and ask for some informal expression of your opinion.

I have, etc.,

LLOYD C. GRISCOM.

File No. 7490/–1.

The Acting Secretary of State to Ambassador Griscom.

[Extract.]

No. 88.] DEPARTMENT OF STATE,
Washington, October 7, 1907.

SIR: I have to acknowledge the receipt of your No. 91, of June 18 last, reporting your conversation with the Italian minister for foreign affairs in regard to the denunciation by the Government of Brazil of the agreement by exchange of notes with Italy determining the powers of Italian consuls in Brazil over the estates of their deceased fellow-countrymen.

There is no consular convention in force between the United States and Brazil, and this Government appears to have declined to make with Brazil an arrangement such as that referred to in your dispatch.

Brazil contends that the jurisdiction of our consuls over the estates of decedent Americans in Brazil is limited by the general principles of international law. This Government has insisted that it had certain treaty rights under the treaty of 1828 (which was abrogated by Brazil, so far as it related to commerce and navigation, by the notice given March 26, 1840), but Brazil has never admitted the correctness of its interpretation.

It would seem that the recent action of Brazil in denouncing its agreements with certain foreign powers can have but little effect upon American interests.

I am, etc.,

ROBERT BACON.

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[a] Not printed.

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BULGARIA.

COMMERCIAL ARRANGEMENT BETWEEN BULGARIA AND TURKEY.

File No. 4454.

Minister Jackson to the Secretary of State.

No. 192—Bulgarian Series.] AMERICAN LEGATION,
Athens, January 21, 1907.

SIR: I have the honor to report that the Bulgarian Sobranje will reconvene to-morrow, the session having been prolonged at the request of the Government until February 9 in order to enable it to present all the bills which it has prepared.

Just before adjourning for the holidays, on January 2, the Sobranje authorized the Government to put in force on the 1/14th instant the new commercial agreement with the Ottoman Empire, provided that the same should be signed by the date in question, or to denounce the existing arrangement in the event of the new one not being concluded. This action seemed to have had the desired result of expediting the negotiations at Constantinople, which have been carried on for many months, and just before the end of the (Orthodox) year the arrangement was signed and a copy of it sent to Sofia. This arrangement went into effect on the 14th instant, but I have as yet seen no copy of it.

I have, etc., JOHN B. JACKSON.

File No. 4457/1-2.

Minister Jackson to the Secretary of State.

No. 199—Bulgarian Series.] AMERICAN LEGATION,
Athens, February 14, 1907.

SIR: Referring to my dispatch (No. 192) of the 21st ultimo, I have the honor to transmit herewith a copy[a] (in French) of the commercial and customs arrangement which was concluded between the Ottoman Empire and the principality of Bulgaria on December 30, 1906 (old style), which has just been sent me by the ministry of foreign affairs at Sofia. This arrangement went into effect on January 1/14. In general it is of the most-favored-nation character (Arts. II and III), with such modifications as are necessitated by circumstances and the existence of a long and ill-defined frontier. According to Article VI, no transit dues are to be charged on Bulgarian goods passing through the Ottoman Empire.

I have, etc., JOHN B. JACKSON.

[a] Not printed.

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CHILE.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN CHILE AND JAPAN.

File No. 6596/3–4.

Chargé Janes to the Secretary of State.

[Extract.]

No. 157.] AMERICAN LEGATION,
Santiago, July 11, 1907.

SIR: Referring to Department Instructions No. 62[a] (File No. 6596/–1), relating to Mr. Hicks's dispatch (No. 134[a]) of April 4 last, I have the honor to inclose herewith two additional copies of the Spanish text of the treaty of friendship, commerce, and navigation between Chile and Japan, signed at Washington September 25, 1897, and officially promulgated in Chile March 31, 1907, accompanied by an English translation of the same.

I have, etc.,

HENRY L. JANES.

[Inclosure.—Translation.]

Treaty of friendship, commerce, and navigation between Japan and Chile, published in Diario Official, April 3, 1907.

PEDRO MONTT, PRESIDENT OF THE REPUBLIC OF CHILE.

Inasmuch as a treaty of friendship, commerce, and navigation between the Republic of Chile and the Japanese Empire was negotiated, concluded, and signed on the 25th day of September, 1897, as well as a complementary protocol to the same on the 16th of October, 1899, by the respective plenipotentiaries, duly authorized, which are literally as follows:

"His Excellency the President of the Republic of Chile and His Majesty the Emperor of Japan, both animated by the desire to establish on a firm and lasting basis relations of friendship and commerce between their respective states, citizens, and subjects, have resolved to enter into a treaty of friendship, commerce, and navigation, and to this end have named their plenipotentiaries, to wit:

His Excellency the President of Chile, Señor Domingo Gana, envoy extraordinary and minister plenipotentiary of the Republic of Chile before the Government of the United States of America; and His Majesty the Emperor of Japan, Jushu Toru Hoshi, of the Order of the Rising Sun of the Third Class, his envoy extraordinary and minister plenipotentiary before the Government of the United States of America, who, having communicated to each other their respective full powers and found them to be in good and true form, have agreed upon the following articles:

FIRST ARTICLE.

There shall be firm and perpetual peace and friendship between the Republic of Chile and the Empire of Japan and their respective citizens and subjects.

[a] Not printed.

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ARTICLE II.

His Excellency the President of the Republic of Chile may accredit, if he deem it expedient, a diplomatic agent before the court of Tokio, and, likewise, His Majesty the Emperor of Japan may accredit, if he deem it proper, a diplomatic agent before the Government of the Republic of Chile, and each of the high contracting parties will have the right to name, in the interest of commerce, consuls-general, consuls, vice-consuls, and general agents, to reside in all the ports and places of the territory of the other contracting party in which similar consular officials of other nations may be permitted to reside; but before any consul-general, consul, vice-consul, or consular agent may act as such he must be accepted and admitted in the usual form by the Government to which he may be sent.

The diplomatic and consular officials of each of the high contracting parties shall enjoy the territories of the other, subject to the provisions of this treaty, the rights, privileges, exemptions, and immunities which are or may be conceded to officials of the same rank of any European nation or of the United States of America.

ARTICLE III.

There will be reciprocal freedom of commerce and navigation between the territories and possessions of the high contracting parties.

The citizens and subjects of each of the high contracting parties, respectively, will have the right of entering safely and freely with their ships and cargoes in all the places, ports, rivers, and straits of the territories and possessions of the other in which entry may be allowed to the citizens and subjects of other nations; they may remain and reside in all the places and ports in which this may be allowed to citizens and subjects of other nations, and they may rent and occupy houses and places of business and trade in wholesale or retail in every kind of produce, manufactured articles, and merchandise in which traffic is permitted.

ARTICLE IV.

Each of the two high contracting parties do extend to the other contracting party every favor, privilege, or immunity referring to commerce, navigation, transit, or residence in their territories and possessions which any contracting party may at present or later concede to subjects or citizens of any European nation or of the United States of America; gratuitously, if the concession in favor of the European nation or of the United States of America shall have been gratuitous, and under the same and equivalent conditions if the concession should have been conditional.

ARTICLE V.

No other higher duties will be levied on any natural or industrial products or manufactured articles imported to the Republic of Chile from Japan, and no other or higher duties will be levied on any natural or industrial products or manufactured articles imported to Japan from the Republic of Chile, whether such importation is intended for consumption, storage, reexportation, or transit, than those paid or which may be paid for the importation for like purposes of the natural or industrial products or manufactured articles of any European country or of the United States of America.

Nor will other or higher duties or burdens be placed in the territories or possessions of any one of the contracting parties upon the exportation of any article for the territories or possessions of the other than those that are paid or may be paid for the exportation of the same article for any country of Europe or of the United States of America.

The importation or transit of any natural or industrial product or manufactured article of the territories of any one of the contracting parties in or across the territories or possessions of the other shall not be prohibited if such prohibition does not extend equally to the same natural or industrial products or manufactured articles of any country of Europe or of the United States of America.

Nor will the exportation of any article from the territories of any one of the high contracting parties to the territories or possessions of the other be in any way prohibited if such prohibition does not extend equally to the exportation of the same articles to the territories of the nations of Europe or of the United States of America.

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ARTICLE VI.

In all that concerns the right of transit, storage, bounties, facilities, drawbacks, and reexportation, the citizens, subjects, merchandise, and shipping of any of the high contracting parties will be, in all respects, placed in the territories and possessions of the other on the same footing as the citizens, subjects, merchandise, and shipping of European nations or of the United States of America.

ARTICLE VII.

No other or higher duties or burdens for tonnage, light-houses, ports, pilotage, quarantine, salvage in case of damage (averias), or other similar or like duties or burdens, of whatever nature or denomination, whether they are demanded in the name of or for the benefit of the Government or of public officials or private persons, corporations, or establishments, shall be imposed in the ports, rivers, or straits of the Republic of Chile upon the ships of Japan, nor in the ports, rivers, and straits of Japan upon the ships of the Republic of Chile, than those which are paid or may be paid in the future in like cases upon the ships of European nations or of the United States of America in the same rivers, ports, and straits.

ARTICLE VIII.

The provisions of the present treaty do not apply to the coastwise trade of the two high contracting parties, which will be regulated in conformity with the laws of Chile and Japan, respectively.

ARTICLE IX.

All the ships which, according to the laws and regulations of Chile, should be considered Chilean ships, and all the ships which, according to the laws and regulations of Japan, should be considered Japanese ships, shall for the purpose of this treaty be regarded as Chilean and Japanese ships, respectively.

ARTICLE X.

The citizens and merchant ships of the Republic of Chile which go to Japan to remain in its territorial waters are subject, while they remain there, to the laws of Japan and to its tribunals of justice; and, in the same manner, the subjects and merchant ships of His Imperial Majesty which go to Chile or remain in its territorial waters are subject, while they remain there, to the laws and jurisdiction of Chile. It is understood, however, that the stipulation of this article is not extended to matters having to do exclusively with the internal discipline of the ships of either one of the contracting parties in the ports or territorial waters of the other.

ARTICLE XI.

The citizens or subjects of each of the high contracting parties, in the territories or possessions of the other, shall receive and enjoy reciprocally in their persons and property the same ample and perfect protection which is given to native citizens or subjects; they will have free and open access to tribunals of justice for the prosecution and defense of their rights, and can, in the same manner as native citizens or subjects, employ attorneys at law, solicitors, or agents which may represent them before said tribunals of justice.

They will enjoy also entire freedom of conscience, and will enjoy, as far as the laws which may be in force will permit it, the right of exercising privately or publicly their religious worship, as well as the right of burying their respective compatriots, in accordance with the regulations in force, in fit and proper places which may be established and maintained for such a purpose.

ARTICLE XII.

As to quartering soldiers, obligatory service, whether on land or sea, contributions of war or military requisitions, or forced laws, the citizens and subjects each of the two high contracting parties will enjoy, in the territories or possessions of the other, the same privileges, immunities, and exemptions which are conceded or which may be conceded to the subjects or citizens of European nations or of the United States of America.

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ARTICLE XIII.

The present treaty will enter into force immediately after the exchange of ratifications, and will continue in force six months after one of the high contracting parties may have notified the other of his intention of arresting its operation.

ARTICLE XIV.

The present treaty will be signed in duplicate in the Spanish, Japanese, and English languages; and in case that any discrepancy should be found to exist between the Spanish and Japanese texts, it will be decided in conformity with the English text, which is binding on both Governments.

ARTICLE XV.

The present treaty will be ratified by the two high contracting parties, and the ratifications will be exchanged in Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed this treaty and have thereunto affixed their respective seals.

Done in sextuplicate in Washington, the twenty-fifth of the month of September, eighteen hundred and ninety-seven, corresponding to the twenty-fifth of the ninth month of the thirtieth year of Meiji.

[L. S.] (Signed) DOMINGO GANA.
[L. S.] (Signed) TORU HOSHI.

PROTOCOL.

His Excellency the President of the Republic of Chile and His Majesty the Emperor of Japan, desiring to explain with all clearness the import of the stipulations relative to the most-favored-nation treatment contained in the treaty of friendship, commerce, and navigation, subscribed in Washington the 25th day of September, 1897, corresponding to the 25th day of the ninth month of the 30th year of Meiji, have designated and authorized with that object, to wit:

His Excellency the President of the Republic of Chile, Don Carlos Morla Vicuña, envoy extraordinary and minister plenipotentiary of Chile in the court of His Majesty the Emperor of Japan; and

His Majesty the Emperor of Japan, the Viscount Aoki Siuze, minister of foreign relations of His Imperial Majesty, who have agreed upon the following

Additional article.

The high contracting parties agree that, saving the exception which is established in the following, every special favor, privilege, or immunity which in the matter of commerce or navigation may or shall be conceded by one of them to the citizens or subjects or to the ships or products of any other nation, shall be conceded in the same terms and under the same conditions to the citizens or subjects or to ships or products of the other contracting party. Consequently and saving the exception mentioned, the citizens, ships, or products of Chile in Japan and the subjects, ships, and products of Japan in Chile, shall enjoy all the favors, privileges, or immunities conceded to citizens or subjects, or to ships or products of any other nation.

However, the preceding stipulation does not apply to any of the special favors, privileges, or immunities referring to the commerce or navigation which Chile may have conceded or shall concede to any Latin-American republic, as well as the special favors, privileges, or immunities of a similar nature which Japan may have conceded or shall concede to any independent nation of Asia.

The present article shall be considered as forming an integral part of the treaty of friendship, commerce, and navigation signed in Washington the 25th day of September, 1897, corresponding to the 25th day of the ninth month of the thirtieth year of Meiji, in the same manner as though the letter were incorporated in it; it will be submitted to the ratification of the high contracting

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parties according to the respective constitutional provisions, and the ratifications will be exchanged conjointly with the treaty of which it forms a part.

In witness whereof the respective plenipotentiaries have signed this additional article and have attached thereto their respective seals.

Done in sextuplicate in Tokio the 10th day of October, 1899, corresponding to the 10th day of the 10th month of the thirty-second year of Meiji.

[L. S.]	(Signed)	CARLOS MORLA VICUÑA.
[L. S.]	(Signed)	VISCOUNT AOKI.

And inasmuch as the treaty and protocol above attached have been ratified after the previous approbation of the National Congress and the respective ratifications were exchanged in the city of Washington the 24th day of September, 1906, by the authorized representatives of the two Governments:

Therefore, and in use of the power which is conferred on me by article 73, part 19, of the political constitution, I dispose and order that they be carried out and executed in all ports as a law of the Republic.

Santiago, the 31st of March, 1907.—Pedro Montt.—Ricardo Salas Edwards.

CITIZENSHIP OF CHILDREN BORN OF FOREIGN PARENTS RESIDING IN CHILE.

File No. 8476.

Chargé Janes to the Secretary of State.

No. 162.] AMERICAN LEGATION,
Santiago, August 5, 1907.

SIR: I have the honor to transmit herewith a copy of an interesting decision handed down on the 18th of July by the court of appeals of Santiago. In this it is decided that a child born in Chile of Spanish parents is not necessarily a Chilean citizen, and that therefore the laws prescribing military service for all citizens of this country can not be enforced against him. This marks a triumph of the principle of the *jus sanguinis* over the *jus soli*.

The facts of the case are as follows:

A minor, the son of Spanish parents, Hector Garcia by name, was summoned to do military service according to the Chilean laws. Garcia refused to enroll himself as a Chilean soldier, stating that although he was born in Chile, he was a Spanish subject, and as such the duty of military service in Chile could not be demanded of him. Whereupon he was brought before a lower court and sentenced to thirty days' confinement in jail.

Appeal was then taken from this decision to the higher court.

It appears that the appellant had been registered in the Spanish legation by his parents and that this entry had been duly transmitted and reported to the Spanish foreign office. According to the Spanish constitution the children of Spanish parents are Spanish citizens, whether the birthplace of the offspring be Spain or a foreign country. On the other hand, all persons born in Chile are declared by Article VI of the Chilean constitution citizens of that country. In this conflict of the fundamental laws of the two countries the court adopted the opinion of the great commentator of the Chilean constitution, Señor Jorje Huneeus, according to whom, "in spite of the imperative terms in which the clause heading this article (clause 1, article 5) is written, it does not impose the character of Chilean citizenship,

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but only offers it to those who, possessing the qualifications enumerated in the different provisions included in this article, are freely willing to accept it, when, at the same time, the citizenship of another country is offered to them by the legislation in force in the latter." The parents of Hector Garcia made use of the right of election possessed by their son by registering him in the Spanish legation.

The clerk of the court states that the Government will not carry the case further, but accepts the decision as it stands.

I have, etc.,

HENRY L. JANES.

[Inclosure.]

Conflict of laws on the subject of citizenship—Decision of court of appeals of Santiago.

It is decided:

First. That the documents show the following facts:

(*a*) That after the sentence which is being served and which is attached to folio 6 had been passed, according to which Mr. N. N. is condemned to thirty days' imprisonment and other penalties therein included, for not having inscribed his name in the military registers, an appeal was taken to secure a reconsideration and a change of judgment;

(*b*) That as basis of said prayer the document of folio 1 is submitted, in which the minister of Spain certifies "that in the register of Spanish subjects which exists in that legation there is an entry noting the birth of said N. N.," inscription which serves the purpose of establishing his nationality according to what is there stated; and

(*c*) That in the certificate of folio 19 submitted to the court of second instance, the said minister adds that "in folios 1 to 8 it appears that the fact of the birth of said N. N. had been registered by virtue of the application of his father, and from this transcription it appears that a copy has been sent to the ministry of foreign relations of Spain;"

Second. That consequently the question reduces itself in last result to a determination of the nationality which is possessed by the appellant; or, in other words, if he should be held to be Chilean from the fact of his birth in Chile, or Spanish as son of Spanish parents, a minor and duly inscribed in the respective legation;

Third. That although the fundamental statute in article 6, No. 1, declares that "persons born in the territory of Chile are Chileans," such disposition, by its nature, must be interpreted in conformity to the rules of international law, inasmuch as conflicts may occur between it and that which is established on the subject in the constitutions, as occurs at present, in that the Spanish constitution recognizes as Spaniards, among others, "the sons of Spanish father or mother, although they be born outside of Spain;"

Fourth. That it is a principle uniformly admitted by the text writers of that science that the unemancipated son follows the nationality of the father and the case under consideration, this principle is confirmed by the inscription of the N. N., made on the request of his parents in the register of the Spanish legation;

Fifth. That it is gathered from what has been expounded that the constitutional provision of article 6 should not be considered as being absolute in character, but limited in the sense that it offers Chilean nationality "to those that, possessing the qualifications there enumerated, are freely willing to accept it, where, at the same time, they are offered the nationality of another country by the legislation in force in the latter;" and

Sixth. That, proven the nationality of N. N. as a Spanish subject, neither the provisions of article 1 of the law No. 1467 of the 10th of September, 1901, nor the penalties determined by the same to sanction its proper execution apply to his case.

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MESSAGE OF THE PRESIDENT OF CHILE TO THE CHILEAN CONGRESS.

File No. 180/2–3.

Chargé Janes to the Secretary of State.

No. 150.] AMERICAN LEGATION,
Santiago, June 4, 1907.

SIR: I have the honor to transmit herewith a copy and translation of the annual message of the President of this Republic, which was delivered in extraordinary session before the assembled chambers of the national legislature, the ministers of state, the diplomatic corps, and high military officials on June 1.

The relations with Peru have, according to the message, reached a satisfactory point of improvement. Several new conventions with Bolivia settling ambiguous and disputed points of the treaty of 1904 will soon be presented to the Senate. Two treaties have been made with Argentine Republic regarding the exchange of official publications and the suppressing of counterfeiting of the national currencies.

In accordance with the recommendation of the Pan-American Conference the government has appointed a commission to study the various conventions entered into by the delegates of the congress, with a view of recommending them for passage to the legislative bodies of Chile.

The invitation to participate in The Hague Peace Conference has been accepted, and Chile will be represented by delegates.

The visit of Mr. Root to Chile is adverted to in a few words of cordiality and courtesy.

Speaking of the great earthquake of last August, the President states that $10,200,000 has been expended by the Government to meet the needs growing directly out of the catastrophe. Of the $2,741,000.80 donated by foreign governments, $2,000,000 was divided among the cities and villages damaged by the quake, $300,000 was used to found an orphan asylum, and the rest was distributed by public-spirited women of Valparaiso and Santiago among the impoverished population of these cities.

The income which the nation derived from its revenues amounted in 1906 to $161,069,725. In arriving at an estimate of the total assets of the nation the President adds the $20,000,000 of paper money issued last May as an item of national wealth. In this manner he finds a total of $183,535,392 with which to meet an expenditure of $169,951,601. The result thus shown is a surplus of $13,583,790. But if the $20,000,000 government notes, which the Government must according to law stand ready to redeem in specie in 1910, are not placed among the items of national income, then the country in 1906 faced a deficit of $6,416,210.

The budget for 1907–8 will provide for the expenditure of $188,000,000. In addition to this a loan of $32,000,000 will be sought for public works. The list of expenditure shows an increase of about $20,000,000 over the previous year. The revenues of the State are computed as exactly balancing expenditures.

The total foreign commerce of Chile increased $51,856,000 over the previous year, the figure for 1906 being $525,554,513. These amounts are given in the Chilean gold peso, whose value is fixed by law at 18 pence. While the total value of the exports ($289,513,522) is $53,-

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472,531 in excess of the imports ($236,040,991), if the single item of nitrate and its by-products, which constitutes 75 per cent of the value of Chile's shipments abroad is omitted, the "balance of trade" is overwhelming against the country. Twelve and one-half per cent of the exports is copper and borax.

With an increase over 1905 of $12,643,757 in the customs revenues, the President suggests, in view of the great increase in the cost of living and of national production, that the duties in the cases of articles of necessity be reduced.

Though the funds deposited by Chile in Germany and the United States for the redemption of the $120,000,000 of outstanding government notes have reached the enormous sum of $77,282,257 (pesos of 18d.), President Montt recognizes that something more than the existence of this sum is needed in order to keep the paper at par or near that point. It is not only the ability of the Government to pay, but it is its readiness to act upon the promise to pay it made in the various laws on the subject which is particularly emphasized by Mr. Montt. This part of the message was undoubtedly suggested by the general lack of confidence in the Government's declarations as to the resumption of specie payments.

In addition to the points which have been touched upon above, the message devotes considerable space to the enumeration of plans for the improvement of the ports, the advancement of education, and the building of railways.

The rest of the message deals with questions of purely internal and domestic interest.

I have, etc., HENRY L. JANES.

[Inclosure.—Translation.]

Message of the President of Chile, June 1, 1907.

FELLOW-CITIZENS OF THE SENATE AND THE HOUSE OF DEPUTIES: It gives me pleasure to preside for the first time over this solemn ceremony, which has been repeated among us for seventy-six years and which is a witness to the stability of the constitutional régime on our soil.

The Republic is at peace with all nations.

The reestablishment of the diplomatic relations between Chile and Peru places us in a position to settle the territorial question in accordance with existing conventions and in harmony with the aspirations of the two people, thus assuring the solidarity of relations of neighboring countries that are bound together by interests of every kind.

Although the treaty of peace of 1904 terminated satisfactorily, the transitory differences between Chile and Bolivia, the complicated nature of certain stipulations incorporated in said treaty, has given rise to negotiations between the two Governments.

Conventions which have been subscribed recently, and which I will submit to you for your approval, have settled the greater part of the points of negotiation in a sincere and friendly spirit which is in keeping with the interests of both countries.

With the settlement of the boundary controversy with Argentine Republic and the removal of the causes of friction which had their origin in this long litigation, both Republics have labored to strengthen the ties that bind them together. In February of the present year two conventions were entered into with the Argentine Government. The first encourages the exchange of official and literary publications. The second takes severe measures to repress in the territory of the one the counterfeiting of the money or the bonds of the other. Both Governments are at the same time studying the best manner to give the proper aid to the commerce between the two countries.

Our country took part in the Third International American Conference which met in Rio de Janeiro during the past year. According to a resolution adopted in said assembly, Chile has appointed a commission charged with the study of

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the conventions passed in the former conferences, which will report on the advisability of submitting to you for your approval all or any of the agreements referred to.

I have accepted the invitation sent us by the Government of Holland to attend the Second International Peace Conference, which is to be held at The Hague in the course of the present month of June. Steps have been taken in order that those designated to represent us in said assembly may be furnished in a fitting manner with the instructions necessary in the discharge of their duties.

The diplomatic service of our country remains incomplete on account of the failure of the honorable senate to approve the various nominations submitted during the last extraordinary period of your sessions.

In the firm belief that a cordiality of relations with all States, strengthened by the tie of economic interests, is one of the best means of assuring the Republic domestic prosperity and prestige abroad, it will be the constant endeavor of my Government to build its international policy on this foundation.

The United States, through its special representative, Mr. Root, has again made the offer to us of friendship and progress, which have been cordially reciprocated by us.

I fulfill a duty in again expressing on this solemn occasion the sincere gratitude of the Government and people of Chile to the peoples and governments which, upon learning of the injury inflicted on us by the catastrophe of August, 1906, manifested concretely and generously their feelings of fraternal friendship and sympathy. * * *

The Government is engaged in carrying out plans for a general census of the Republic, and is studying with lively interest the manner of doing this with the greatest exactitude. To this end a commission of experts has been named to cooperate in the carrying out of this important work.

The present administration began in the midst of the anxieties and difficulties produced by the earthquake of the 16th of August of last year, the effects of which we are yet feeling, and which will weigh upon the country for a long time to come.

The Government strove to alleviate as far as it was able the injuries suffered by individuals, and was aided efficiently in this work by a group of friendly nations and by the foreign colonies, which competed in zeal and in readiness to make sacrifices with our compatriots.

In August, 1906, Congress voted the sum of $4,000,000 to aid those who have suffered loss, and later on $850,000 for public employees; $3,350,000 was also appropriated to pay for the requisition of provisions and other things for private consumption made by the public authorities during the days which immediately followed the catastrophe.

The sum of $2,000,000 also was granted for the reinstalling of the public service in those buildings which have been damaged by the earthquake outside of Valparaiso.

Foreign nations contributed to the relief of the earthquake sufferers the sum of $2,741,000.80. Of this amount $2,000,000 was distributed in the cities mentioned by the decree No. 6354 of the 13th of last December, $300,000 was set aside for an asylum for widows and orphans in Valparaiso, and the rest was distributed to the public by a group of women of this capital and of Valparaiso.

In the near future a report will be published containing the details and documents which relate to the expenditure of all the funds which have been enumerated.

Mention should be made of the generosity of the English colony, which came together and distributed conscientiously and discreetly more than a million pesos among the earthquake sufferers of Valparaiso. * * *

In the course of the year cases of bubonic plague have appeared in the north and many cases of smallpox in the south. As this peril is continually renewed, it is necessary for the Government to be prepared to take rapid and efficient steps from the moment in which any epidemic has begun.

The section of hygiene and charity established recently in the ministry of the interior is charged with the service in aid of the action of the Government. * * *

The advantages of immigration can not be overlooked in a country like ours, which has a population inadequate for its present and future needs.

The invitation to the foreigner to aid in our prosperity does not imply the ignorance of the aptitude of our people. On the contrary, we seek in the foreigner not a competitor, but an assistant to our workmen, who, without diminution of forces and without compromising their lives, can not carry out properly

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and by themselves the great and urgent works to which our vitality calls us. Our territory, because of its extent and wealth, requires a population very much superior to that which we at present possess.

But immigration should be encouraged according to carefully thought-out and prescribed conditions. Immigration ceases to be a good institution if it is not selective and if it is not restricted within certain limits recommended to us by the example of other countries. The Government should avoid the introduction of vicious elements into an organism which is yet free from strikes and enemies of order. In this manner immigration will not become a germ or a suggestion of ideas contrary to the social order, but a factor immediately active on the production of prosperity and wealth.

In spite of the small amount of the propaganda we have made abroad, immigration is coming to us in a very increasing rate. In fact, the immigrants, which in 1905 were not more than 293, increased to 1,221 in 1906, and it is encouraging to notice that in the first five months of the current year this immigration has exceeded 4,000 foreigners. * * *

In order that these technical schools give good results, they should be installed in special buildings and be given over to teachers who may be contracted in a foreign country if they can not be found here.

In the higher branches of education the necessity of giving the engineering school a special building is felt. Owing to the development which experimental instruction is acquiring daily, the said school does not find enough room within the walls of the university building. The Government will begin in the current year the construction of the new building as soon as the plans for it are finished.

The board of public instruction, which, with laudable zeal, superintends the secondary and higher branches of instruction, is proceeding energetically with the improvement of national education and of pedagogical administration. On their suggestion several important measures have been taken to regularize said administration and others have been suggested which provide for a modification in the plans of study and the system of examinations.

Facilities have been given to the instruction directed by private initiative. The normal schools in charge of private institutions can give official titles to their graduates providing they pass the regular examination which the State exacts of the students of the public normal schools.

Measures have been taken to assure a correct and economical expenditure of the funds devoted to the payment of the rental of houses for schools, to the acquisition of the materials and supplies for schools, and, in one word, for the good administration of a service which, as that of education, is of special interest to the Government.

The incomes of the nation during the last year went up to $161,089,725, an amount which, with the $2,445,660 left over at the end of 1905 and the $20,000,000 of the government paper money issue authorized by the law of the 23d of May, 1906, gives a total of $183,535,392.

The total of expenditure reached $169,951,601, leaving a balance in favor of this year of $13,583,790.

The considerable increase of the ordinary revenues, which exceeded the calculated returns by more than seven millions, the noninvestment of considerable sums authorized by the budget or by special laws, and the fact that more than 5,000,000 pesos have been drawn and paid only this year for requisitions and other expenses growing out of the earthquake of August, are the causes that have produced this favorable balance.

The public revenues of this year, taking as a basis the returns of the first quarter, are estimated at 177,000,000 pesos, and with this sum and the balance from last year it is calculated that the ordinary expenditures and those authorized by special laws will be met and that then there will remain for 1908 a balance of 6,000,000 pesos. All public works are being pushed forward with energy, and a reduction of unnecessary expenses has been made. * * *

The navy has not received any additions in this last period, and counts on the present date, with 11 ships in service, 5 disarmed, and the transports, bridges, and survey steamers necessary for the service. * * *

The national merchant marine has been increased by 34 ships, with a tonnage of more than 30,000 tons. At present it is composed of 85 steamers and 90 sailing ships, with more than 110,000 registered tonnage.

Permission has been granted to establish three private floating docks, two in Talcahuano and one in Mejillones. * * *

PEDRO MONTT.

SANTIAGO, *June 1, 1907.*

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CHINA.

THE OPEN-DOOR POLICY IN MANCHURIA—ESTABLISHMENT OF CUSTOM-HOUSES AND OPENING OF PORTS TO INTERNATIONAL TRADE.[a]

(For previous correspondence see Foreign Relations, 1906, pp. 162 et seq.)

File No. 551/46–47.

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 621.] AMERICAN LEGATION,
Peking, May 17, 1907.

SIR: On April 15 last the evacuation of Manchuria by the Russian and Japanese forces was completed, and it was understood that arrangements with China had already at that date been settled upon for the opening of customs-houses on the land frontier and at the seaports, so that international trade would at once be put on a normal basis, and that the arbitrary and very unsatisfactory conditions which have so prejudicially affected our commercial relations in this part of China since the termination of the Russo-Japanese war would promptly come to an end. The assurances to this effect given me repeatedly by the Russian and Japanese ministers were clear and emphatic; I was led to expect the opening of Chinese customs-houses at Dalny, Antung, Manchuli, and Suifen within a few days, certainly by May 1.

On May 2 the Japanese minister told me that within a few days all arrangements would be completed for the opening of the Dalny customs and that they would be put in form at once, without awaiting action by Russia in the north. Notwithstanding this, I was informed on the 14th by the Waiwu Pu that it could not be foreseen when these negotiations could be completed. The day before yesterday I was told that the Japanese were delaying concluding the arrangements on account of the question of the carriage of Chinese mails by launches plying between Dalny and Chinese ports on the coast under the steam inland navigation regulations. When this matter is disposed of, it is greatly to be feared that other questions equally irrelevant will be brought up by the Japanese for purely dilatory purposes, and I concluded that I should report to you without further delay the highly unsatisfactory condition of affairs in Manchuria.

I therefore sent you the following cablegram:

MAY 16.

Consul-general of the United States at Mukden reports conditions at Antung since the evacuation unchanged. Not possible to establish settlement. Opening of the customs Dalny may be delayed considerably. Russian customs arrangements for north Manchuria are dragging and unlikely to be perfected soon. Prospects of return to normal commercial conditions, Manchuria, this year very poor.

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[a] See also "Railroads in Manchuria," p. 776, and "Customs and Inland Taxation," p. 226.

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The delay the Russians are at present experiencing in concluding their arrangement with the Chinese for the opening of customs-houses in the north turns on the interpretation of the provisions in treaties in force between Russia and China providing for the payment of reduced import duties (two-thirds of the maritime tariff) on goods entering China by land. The Russians contend that goods subject to this reduced import duty can be transported to any point along the railway lines in Manchuria without being liable to further duty; the Chinese claim that the payment of two-thirds duty only entitles such goods to pass the Chinese frontier, and that they must pay transit dues (50 per cent additional) to clear them to points further in the country. The contention of the Russians is certainly correct, and it is approved by those of my colleagues who are interested in Manchurian commercial questions. It is in conformity with our own contention that foreign goods imported into Manchuria by sea should pass free of duty to any inland opened mart after having once paid full tariff import duties. It should be remembered that all the principal stations along the Manchurian railway lines, both in the south and in the north, are also open to international residence and trade.

The Russian minister has informed me that he will insist on his interpretation of this point, regardless of the delay it may occasion.

The British minister informed me to-day that he had already called his Government's attention to the dilatoriness of the Japanese in fulfilling their pledges, and that he proposed doing so again, notwithstanding the assurances given him within the last few days by the Japanese minister.

I note in the recent report made by the imperial maritime customs on the trade of 1906 that in that year Japanese products valued at £2,600,000 were imported into Manchuria, of which only £300,000 worth passed through Niuchwang, where they were subject to import duty, the balance entering duty free.

I have, etc., W. W. ROCKHILL.

File No. 551/25b.

The Secretary of State to Ambassador Riddle.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 24, 1907.

(Directs Mr. Riddle discreetly to impress upon the minister for foreign affairs the interest felt by this Government in the reestablishment of normal conditions throughout Manchuria and the fact that the Government of the United States should greatly appreciate such action by the Government of Russia as would lead to the early establishment of Chinese custom-houses on the Russo-Chinese frontier. States that this step would have much effect in hastening the regularization of commercial conditions in southern Manchuria also, which should be welcome to Russia as well as to the United States.)

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File No. 551/28.

Ambassador Riddle to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, May 30, 1907.

(Reports that in compliance with telegraphic instructions he has communicated with the minister for foreign affairs on the subject of the establishment of Chinese custom-houses, and that the minister replied that the negotiations are very nearly completed at Peking, but the Chinese Government objects to four points, the most important of which is that relating to the 50 versts free zone.)

File No. 551/33–34.

Ambassador Riddle to the Secretary of State.

No. 44.] AMERICAN EMBASSY,
St. Petersburg, June 1, 1907.

SIR: I have the honor to confirm your telegram received on May 25 and my reply of May 30, copies of which are hereto attached.

May 29 was the first day on which I was able to see the minister for foreign affairs, and in the course of a conversation with him I expressed the great interest which the United States felt in having normal conditions restored in Manchuria and that the United States Government would highly appreciate any action on the part of the Russian Government which would hasten the establishment of Chinese custom-houses on the Russo-Chinese frontier.

The minister replied that he fully realized the natural interest which the United States felt in this question on account of our important commercial relations and that the Russian Government was also anxious that custom-houses should be established as soon as possible. He added that negotiations were being carried on at Peking, that they were nearly completed, and that the only hitch was caused by the Chinese Government objecting to four minor points, relating, respectively, to the proposed free zone of 50 versts and to the contracts governing the Chinese Eastern Railway Company, although the Russian contention was in accordance with existing treaties and contracts and was upheld by Sir Robert Hart, director-general of Chinese customs.

I have, etc., J. W. RIDDLE.

File No. 551/51–52.

Minister Rockhill to the Secretary of State.

No. 633.] AMERICAN LEGATION,
Peking, June 4, 1907.

SIR: In continuation of my No. 627,[a] of May 30, I have now the honor to transmit herewith copies of the agreement signed on that date by the Japanese minister and the inspector-general of imperial

[a] Not printed.

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maritime customs, together with its two annexes, providing (1) for the establishment of a maritime customs office at Dairen and (2) inland waters steam navigation rules for Dairen and the leased territory in the Liaotung Peninsula. The first annex is very nearly identical with the agreement signed by the German minister and the inspector-general of customs on April 17, 1899, for the leased territory of Kiaochau; it is to be revised in the spring of 1908, when local conditions and needs are more fully ascertained. The second is for paragraphs 1, 2, 3, and 4, the same as the German agreement for Kiaochau signed April 7, 1904; paragraph 5 is slightly modified; and paragraphs 6 and 7 are not found in the German agreement.

The substance of the above information was transmitted to you to-day in a telegram, which read as follows:

Provisional customs arrangement for Dairen signed May 30 nearly identical German agreement April 17, 1899. Japanese minister says it will probably go into effect July 1. Revision next spring is provided for.

ROCKHILL.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

Agreement concerning the establishment of a maritime customs office at Dairen and inland water steam navigation.

The Governments of Japan and China having agreed to the establishment of an office of the Chinese imperial maritime customs at Dairen, the undersigned, duly authorized by their respective Governments, hereby agree to accept for the general guidance of that office, and as a preliminary and provisional measure, the detailed understanding set forth in the documents hereto attached, viz:

A. Agreement about the establishment of a maritime customs office at Dairen; and

B. Inland waters steam navigation.

And it is further agreed that in the spring of next year, after the experience of one season, there shall be a reconsideration of the present arrangement in order to fuller accord with local conditions and needs, and that for the documents now accepted there shall be substituted a revised agreement, supplemented by an ordinance, the former to be prepared by the Japanese minister and the inspector-general of customs, and the latter by the Japanese authorities of the leased territory in communication with the commissioner of customs at Dairen. And it is further understood that the Japanese authorities will take steps to prevent smuggling from the leased territory into China and support the Chinese authorities in the measures they take to prevent smuggling from China into the leased territory, and also that a suitable procedure shall be arranged for dealing with railway traffic at the Dairen terminus and the frontier station (Wa Fang Tien or other) and temporary regulations made for collection of duties by the customs.

G. HAYASHI,
Minister of Japan. [SEAL.]

ROBERT HART,
Inspector-General of Customs. [SEAL.]

Signed and sealed at Peking the 30th May, 1907.

[Subinclosure A.]

Agreement about the establishment of a maritime customs office at Dairen.

1. The commissioner or the chief of the maritime customs office at Dairen is to be of Japanese nationality. The inspector-general of customs will come to

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an understanding with the Japanese legation at Peking in case of appointing a new commissioner.

2. The members of the staff of the maritime customs office at Dairen shall, as a rule, be of Japanese nationality; in case, however, of a suddenly occurring vacancy or of temporary requirements of the service members of other nationalities may be provisionally sent to Dairen.

3. The inspector-general of maritime customs will inform the governor-general of the leased territory beforehand about the change of the commissioner of customs at Dairen.

4. All correspondence between the customs office at Dairen and the Japanese authorities and Japanese merchants shall be conducted in the Japanese language. Should, however, merchants of other nationality come to reside at Dairen, they shall be at liberty to correspond in English or Chinese.

5. On merchandise brought by sea to Dairen no import duty shall be levied. Import duty, according to existing treaties, shall be levied by the maritime customs office on all merchandise or products passing the Japanese frontier of the leased territory into the interior of China. The Japanese authorities agree to assist, as far as it is possible, in the prevention of merchandise passing the Japanese frontier when not provided with a permit or pass by the maritime customs office.

6. When Chinese merchandise or products brought from the interior of China into the Japanese leased territory are shipped from Dairen to other places they will pay the export duty according to existing treaties. Produce raised in and merchandise manufactured from the produce raised in or imported by sea into the Japanese leased territory shall pay no export duty. The duty to be paid by articles manufactured in the Japanese leased territory from materials brought there from the interior of China will be the same as at present paid by articles in similar circumstances in the German leased territory at Kiaochow.

7. Chinese merchandise or products brought from Chinese ports to Dairen shall pay no duty as long as they remain inside Japanese territory; but if these Chinese merchandise or products pass the Japanese frontier into the interior of China they shall pay according to existing treaties.

8. Chinese merchandise shipped from Dairen and having paid, accordingly, export duty shall be provided with a receipt, on the producing of which it shall pay, on being landed at a Chinese treaty port, a coast-trade duty according to existing treaties.

9. For Japanese and other non-Chinese merchandise, on being shipped to Dairen from a Chinese treaty port, the import duty paid at the latter port shall be refunded by drawback, according to treaty stipulations. On being imported to Dairen, such merchandise shall pay no duty so long as it does not pass the Japanese frontier into the interior of China. On being reexported from Dairen to other places outside China, such merchandise shall pay no export duty.

10. Chinese merchandise or products having been shipped from a Chinese treaty port to Dairen and reshipped from there to places outside China shall on this occasion pay no export duty in case that documentary evidence is produced of their having paid export duty at the treaty port from which they came.

11. The maritime customs office at Dairen shall take no part in the collection or administration of tonnage dues, light-house dues, or port dues.

12. The customs tariff in vigor in the Chinese treaty ports shall be applied likewise by the maritime customs office at Dairen.

13. The Japanese Government agrees to set apart for the maritime customs office sufficient space at Dairen for building offices, lodgings for the staff, with suitable rooms for garden, stable, and servants' quarters. The amount to be paid for the sale or lease of such ground is to be settled locally by mutual agreement.

14. The chief of the customs office and the members of the staff shall be free from any obligation to act as jurors or assessors or from any other personal services.

15. The aforesaid maritime customs office at Dairen shall be charged likewise exclusively with the granting and issuing of transit passes for merchandise going into the interior of China, as well as for merchandise coming from the interior of China to Dairen; and this office will be charged as well with all and every function, right, or capacity which appertain in the treaty ports to the so-called Chinese customs taotai.

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16. For the transit passes mentioned in article 15, the duty according to existing treaties—i. e., half of the amount of the export or import duties—shall be collected by the maritime customs office at Dairen.

17. The procedure to be observed in case of frauds or contraventions committed by merchants against the maritime customs rules shall be settled hereafter by separate agreement, but it is understood in principle that all judicial procedure rests with the Japanese tribunals.

18. In view of the possibility that with the development of commercial activity in the Japanese leased territory new requirements may arise which are not to be foreseen, it is understood that the present agreement bears a provisional characters, and that both parties to it agree to introduce amendments as soon as required for the purpose of remedying inconveniences which may arise in the practical execution of this agreement.

(Signed and sealed) G. HAYASHI,
Minister of Japan.

(Signed and sealed) ROBERT HART,
Inspector-General of Customs.

Signed and sealed at Peking the 30th May, 1907.

[Subinclosure B.]

Inland water steam navigation.

1. The Chinese maritime customs having been formally authorized to function in Dairen, are now empowered to issue inland stream navigation papers. Steamers thus permitted to ply on the inland waters are to be guided generally by the rules and regulations of July and September, 1898, and the additional rules of 1903, but more especially by the regulations here below set forth.

2. Steamers about to ply on the inland waters are required to deposit their national papers, foreign or native, with the customs, and will receive in exchange, on written application, the inland-waters certificate; such certificates are valid for one year, and a fee of 10 taels is payable on first issue and 2 taels for each annual renewal. Tonnage dues are payable once every four months.

3. Such certificated steamers may ply according to regulations (1) from Dairen to a place or places inland and back, and (2) from Dairen to a place inland, thence to a treaty port, thence to a place inland, and thence back to Dairen. On making due report to the local customs or tax office and paying local dues or duties they may land or ship cargo or passengers at any recognized places of trade passed on the voyage, but they may not ply between inland places exclusively without special authority. If visiting another treaty port on any such inland voyage the customs at such port are to be duly reported to and all port regulations, national and native, complied with.

4. Whenever certificated steamers quit or return to Dairen they are to clear from and report to the Dairen customs, handing in outward and inward manifests of cargo, reporting places called at or to be called at, and paying the prescribed duties. Opium and contraband goods are not to be carried inward or outward; if carried the goods are confiscable and the vessel subject to a fine of $500, a second offense entailing withdrawal of inland-waters certificate and privileges.

5. The Japanese authorities will assist the Dairen customs to suppress smuggling, more especially the smuggling of opium and contraband.

6. The transmission of Chinese closed mails between Dairen and inland ports shall be free of charge, and the postal administrations concerned will arrange a fitting procedure for the transmission of such Chinese closed mails through the Japanese leased territory from and to Chinese post-offices outside the territory.

7. The application of the inland waters steam navigation understanding will be restricted to steamers which ply on inland waters not inside the area of the Japanese leased territory.

(Signed and sealed) G. HAYASHI,
Minister of Japan.

(Signed and sealed) ROBERT HART,
Inspector-General of Customs.

Signed and sealed at Peking the 30th May, 1907.

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File No. 551/42.

Minister Rockhill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, June 19, 1907.

(Mr. Rockhill states that he has been officially informed by the foreign office that the customs-houses will be opened on July 1, at Dairen and Antung, with a branch house at Tatungkou.)

File No. 551/57–58.

Minister Rockhill to the Secretary of State.

No. 651.] AMERICAN LEGATION,
Peking, June 25, 1907.

SIR: With further reference to the subject-matter of my telegram to the department of the 19th instant, already confirmed, I have the honor to inclose herewith a copy in translation of a note from the Waiwu Pu, received on that date, stating that the provisional regulations agreed upon by the Japanese minister at Peking and the inspector-general of imperial maritime customs, copies of which were transmitted to the department in my dispatch No. 527 of the 5th instant, will go into effect provisionally at Dalny (Tairen) on July 1, 1907, on which date a customs-house will be opened at that place.

Your attention is also invited to the fact that customs-houses will be opened on the same date at Antung Hsien and at Tatungkou, the latter to be a branch of the Antung customs.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

No. 289.] FOREIGN OFFICE,
Peking, June 18, 1907.

YOUR EXCELLENCY: According to Article V of the contract between China and Russia for the building of the South Manchurian Railway it is stipulated that the Chinese Government may establish a customs-house at Dalny, etc. With regard to this provision my board has communicated with the general superintendency of customs, directing that instructions be given to the inspector-general of customs to consult with His Excellency Mr. Hayashi, the Japanese minister, concerning the opening of customs-houses. In repsonse to this communication we have now received through the general superintendency of customs a copy of the arrangement agreed upon by the inspector-general and the Japanese minister.

We have carefully gone over this plan, and we have decided that the regulations agreed upon shall be tried provisionally at Dalny (Tairen), and that a customs-house will be opened there on July 1 of this year.

In addition to this, customs-houses will also be opened on the same day at Antung Hsien and at Tatungkou. The former will be known as the Antung customs, and the one at Tatungkou will be a branch of the one at Antung, as explained in my note to you dated September 5, 1906.

The general superintendent of customs has been directed to instruct the inspector-general to act in accordance with the above, but in addition it becomes my duty to send this note to your excellency for your information.

[SEAL OF WAIWU PU.]

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File No. 551/55–56.

Minister Rockhill to the Secretary of State.

No. 660.] AMERICAN LEGATION,
Peking, June 29, 1907.

SIR: I have the honor to inclose herewith for the information of the department a copy in translation of a note received from the Prince of Ch'ing, dated June 28, 1907, in which it is stated that in further compliance with the provisions of the agreement signed between Japan and China on December 22, 1905, the cities of Fenghuangcheng, Liaoyang, Ningkuta, Hunchun, San-hsing, Hai-la-erh, and Aihun, in the Provinces of Fengtien, Kirin, and Heilungchiang, in Manchuria, have been declared open to international trade.

It will be noted that the right of foreigners to lease land has been withheld until special renting and building regulations have been promulgated by China.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

FOREIGN OFFICE,
Peking, June 28, 1907.

YOUR EXCELLENCY: According to Article I of the agreement between Japan and China with reference to Manchuria, China agreed to open to international trade certain cities in the Provinces of Fengtien, Kirin, and Heilungchiang, such opening to be undertaken by China herself as soon as the territory should be evacuated by the Japanese and Russian troops.

My board, in accordance with this agreement, has already at different times announced the opening at the following places, viz: Hsinmintun, Tiehling, Tungchiangtzu, and Fakunem, in the Provice of Fengtien; Changchun, Kirin, and Harbin, in the Province of Kirin; and Tsitsihar and Manchouli, in the Province of Heilungchiang.

It now appears that both the Russian and Japanese troops have been withdrawn from Fenghuangcheng and Liaoyang, in the Province of Fengtien; from Ningkuta, Hunchun, and San-hsing, in Kirin; and from Hai-la-erh and Aihun, in Heilungchiang. These places must therefore be opened to international trade, and it becomes necessary to send this announcement of the opening thereof. With regard to the leasing of land by foreigners, however, it is hereby made known that special renting and building regulations will be drawn up by China, and until such regulations are decided upon such operations will not be permitted.

It becomes my duty to send this dispatch for your excellency's information.

A necessary dispatch.

[SEAL OF THE WAIWU PU.]

File No. 551/78.

Chargé Fletcher to the Secretary of State.

No. 778.] AMERICAN LEGATION,
Peking, November 2, 1907.

SIR: Referring to Mr. Rockhill's No. 703 of August 19 [a] and No. 722 of September 11 last,[a] I have the honor to report that a settle-

[a] Not printed.

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ment of the Northern Manchurian customs question has been reached by the Russian minister and the Waiwu Pu, in accordance with which goods upon entering the railway zone will pay two-thirds of the regular import duty; if transported from this zone and the fixed areas into Manchuria they will pay an additional one-third of the import duty, and if transported thence into China proper they will be subject to a surtax equal to one-half of the full duty. This arrangement to be in force for one year. A joint commission is at present arranging the details at Harbin, and its is expected that customs collections will begin to be made very soon. A commissioner of the imperial maritime customs has already been ordered north to inaugurate the service.

I have, etc., HENRY P. FLETCHER.

File No. 551/83–84.

Chargé Fletcher to the Secretary of State.

No. 794.] AMERICAN LEGATION,
Peking, November 27, 1907.

SIR: Referring to my No. 778 of the 2d instant, I have the honor to inclose a translation of the official Chinese text of the recent Russo-Chinese agreement relating to the establishment of custom-houses in Northern Manchuria and fixing the duties to be levied on imports on land-borne goods thereat.

I have, etc., HENRY P. FLETCHER.

[Inclosure—Translation.]

Russo-Chinese experimental regulations for the establishment of customs-houses in North Manchuria.

AGREEMENT OF JULY 28, 1907.

I.

The convention for the land trade between Russia and China (1862) provides that no duties shall be levied on the frontier of the two countries within the limit of 100 li (30 miles);[a] and the Chinese Eastern Railway agreement provides that China must establish customs stations where the railway line crosses the frontier.[b]

Now, therefore, China agrees not to collect duty for the present upon goods shipped by railway to the stations within the 100-li limit on the frontier.

II.

Certain areas shall be fixed within which goods shipped by rail shall be required to pay but two-thirds of regular import duty.

At Harbin, the main station on the line, such two-thirds duty area shall extend to all points within a radius of 10 Chinese li (3 miles) from the station. At the following more important places such area shall extend to a distance of 5 li in each direction from the station, viz: Man-chu-li, Cha-lai-no-erh,

[a] See Mayer's "Treaties between the Empire of China and Foreign Powers," page 113.

[b] See Rockhill's "Treaties and Conventions with or concerning China and Korea," page 214.

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Cha-lan-t'un, Fu-lu-erh-chi, Tsitsi-ha-erh, A-shih-ho, I-mien-p'o, Hai-lin, Yieh-ho, Mu-lin, Chiao-chie-chan, Shuang-cheng-p'u, Lao-shao-kou, Yao-men, and K'una-ch'eng-tzu. The two-thirds duty regulation shall be put into effect at all the above places, and within the area around each as stipulated, with the exception, however, of Man-chu-li and Chiao-chie-chan (on the Sui-fen River) both of which places are situated within the 100-li duty-free limit. In addition to the above, there shall be two-thirds duty areas extending to a distance of three li in each direction from all the smaller stations on the Eastern Railway.

If, however, such goods are shipped out of the places above mentioned and the areas described, all other places being in inland territory, the full amount of the regular duty thereon must be made up and the goods considered subject to inland trade regulations.

III.

This reduction of one-third of the regular import duty on goods shipped by railway is made by special agreement between China and Russia. China agrees, however, that not only Russian but all foreign merchandise shipped to China over the Eastern Railway, are equally affected.

Russia, on her part, agrees that all duty collected on goods which are not exempt from duty by the terms of the Russo-Chinese land trade convention shall be levied according to the new customs tariff, one-third of the regular amount being deducted.

IV.

These articles of agreement shall serve in a general way for experimental regulations for North Manchurian customs-houses. If it shall become necessary to make any additions or alterations therein, or if any corrections shall be found necessary in order that the regulations shall be in harmony with Chinese customs procedure, such changes may be considered and decided upon by both parties to this agreement after one year.

As to detailed regulations for customs-houses, the mapping of the different areas, and the locating of small stations, these matters shall be discussed and decided as soon as possible by representatives of the two countries.

EXPOSITION OF ARTICLE II.

Some controversy with regard to the interpretation of Article II of the above agreement having occurred, the Chinese board of foreign affairs at a later date officially communicated the following explanation of its understanding of that article to the Russian minister in Peking and received his acceptance of the same:

Article II of the experimental regulations agreed upon by China and Russia for the opening of customs-houses in northern Manchuria contains the following clause:

"If, however, such goods are shipped out of the places above mentioned and the areas described, all other places being in inland territory, the full amount of the regular duty thereon must be made up and the goods considered subject to inland trade regulations."

The meaning of this article is that all goods shipped out of the places mentioned and the areas described will (since all other places are considered to be within inland territory) be required to make up the full amount of the regular import duty by paying the one-third not previously collected. This additional one-third duty will take the place of a transit duty, and upon payment thereof a pass will be issued permitting the goods to be shipped to any point within the three eastern Provinces (Manchuria) under the inland trade regulations. Without such pass the goods will be subject to likin and other duties at all customs barriers passed. Furthermore, if it is proposed to ship these goods upon which the full import duty has been paid from the three eastern Provinces into China proper then a further half-duty will be collected thereon in accordance with the regular customs tariff, this being the transit duty for China proper. Upon payment of this duty a pass will be issued exempting the goods from further duty, but without such pass likin and other duties will be collected at all customs barriers passed.

And in addition it is clearly understood that this plan as explained is experimental, even as the regulations themselves, and if any additions or alterations are found necessary a consideration of the matter shall be held by both parties to this agreement one year hence.

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File No. 551/78.

The Acting Secretary of State to Chargé Fletcher.

No. 387.] DEPARTMENT OF STATE,
Washington, December 31, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 778, of the 2d ultimo, reporting that a settlement of the northern Manchurian customs question has been reached by the Russian minister and the Waiwu Pu, in accordance with which goods upon entering the railway zone will pay two-thirds of the regular import duty, and that this arrangement is to be in force for one year.

The department is gratified that a settlement of this question has finally been concluded.

I am, etc., ROBERT BACON.

RESTRICTIONS UPON THE IMPORTATION, GROWTH, AND USE OF OPIUM.

(For previous correspondence see Foreign Relations, 1906, p. 352 et seq.)

File No. 774/23-27.

Minister Rockhill to the Secretary of State.

No. 497.] AMERICAN LEGATION,
Peking, January 4, 1907.

SIR: I have the honor to transmit to you, herewith, copy of a note from the Prince of Ch'ing dated December 17 last, asking the assistance of the Government of the United States in carrying out the recent imperial edict for the stopping of the use of opium (see my No. 400 of September 21),[a] and in enforcing the regulations issued in conformity therewith. A copy of these regulations is inclosed. The two points in which he hopes our Government will be able to assist China in the matter are, (1) that in the foreign settlements we will, by proper orders, arrange for the inspection of premises where opium smoking is carried on, and by prohibiting the sale of opium except under certain conditions help enforce the regulations now applied by the local Chinese authorities elsewhere; and (2) that our Government will waive its right to the favored-nation treatment as regards the importation and sale in China of morphia and instruments for injecting it, and consent to put the provisions of Article XVI of our treaty of October 8, 1903, in force at once without waiting for the consent of all the other treaty powers to a similar prohibition, as I had previously informed them our Government must do, on receipt of your instruction No. 143 of April 27 last.

On receipt of this note I called on the Waiwu Pu and saw His Excellency T'ang Shao-i, who is, under the Viceroy Yüan Shih-k'ai, the prime mover in this great reform. I reviewed the past action of the United States in helping China to eradicate the opium evil, the provisions of our treaty of 1844 (Article XXXIII), and that of 1880 (Article II), and the act of Congress of February 23, 1887, and assured him that China could confidently count on our hearty assist-

[a] See Foreign Relations, 1906, p. 359.

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ance in the present fight its Government is making to free the country of this curse. I expressed, however, the fear that, as the action of the United States in the past had not had the desired effect of restricting in the least the spread of opium smoking, so with the present case, if we agreed to the immediate enforcement of the provisions of Article XVI of our treaty of 1903 without similar action being agreed to by all treaty powers, the result would be the same. This seemed the more likely since his excellency told me he did not believe that morphia or instruments for its injection were imported into China from the United States.

Reverting to the terms of Article XVI of our treaty, I asked His Excellency if China had, as provided therein, framed regulations to effectually restrict the use of morphia to medical purposes, and adopted measures to prevent the manufacture in China of morphia and instruments for its injection. He replied that no such regulations had been framed as yet, nor measures adopted.

I then stated my belief that, before asking our Government to agree to the immediate enforcement of the provisions of the treaty, China should herself do all she was required to do under it. To this His Excellency assented, and said that he would bring this to the immediate attention of his Government, and that he thought suitable regulations and provisions for their enforcement could be issued and made effective at a very early date. I assured him that when this was done I would be much pleased to submit to your favorable consideration the request contained in the prince's note of the 17th of December, although I feared, as I had previously said, that independent action on our part would have little practical result. To this he could not agree, but thought, on the contrary, that it might hasten acceptance of the prohibition by all the powers.

As regards the enforcement in the international settlements of measures tending to restrict or prohibit the use of opium, I assured His Excellency that our consular officers would do all that was possible, acting in conjunction with their colleagues of course, as we had no exclusively American concessions anywhere in China.

I learn that in Shanghai the municipal council of the international settlement has been approached in the matter by the taot'ai, and that while it is disposed to take such action as will meet the wishes of the Chinese, it is not inclined to do so until it has ocular proof that the Chinese regulations are being stringently enforced in the city and in all the localities in the neighborhood of the settlement under Chinese rule.

In Tientsin the regulations are being enforced in most of the foreign concessions, but in some there appears to be considerable disinclination to do so, but perhaps this will be overcome. The loss of revenue to the Shanghai settlement from licenses for opium smoking establishments would amount to a considerable sum, and in some of the settlements, as Tientsin, Hankow, and elsewhere, it would also be considerable. As the practicability of enforcing the prohibition of opium smoking throughout the Empire is not universally conceded, it seems to me probable that no stringent measures will be taken in the treaty ports, except where, as in this province, the local authorities prove themselves able to enforce the regulations.

I have, etc.,

W. W. ROCKHILL.

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[Inclosure 1.—Translation.]

The Prince Ch'ing to Minister Rockhill.

No. 226.] FOREIGN OFFICE,
Peking, December 17, 1906.

YOUR EXCELLENCY: I have the honor to inform Your Excellency that on September 20, 1906, the grand secretariat received an imperial edict, saying:

"Ever since the relaxation of the prohibition of opium smoking the evil has spread abroad over the Empire in all directions. The smokers waste their time and their property, ruin their health, and impoverish their families. The condition of poverty and weakness which has been growing during the past decades may really be traced to this. In a word, the habit is one which arouses indignation. At present the court is earnestly engaged in planning to make the State strong, and it becomes of urgent importance to warn all our people to rouse themselves and get rid of this long-standing evil and turn to paths of health and happiness.

"We hereby command that the evil habit of using opium, whether foreign or native, be entirely eradicated within ten years. As to what measures shall be taken to prohibit the smoking of opium and the cultivation of the poppy, we direct the council of state to draw up and submit to us appropriate regulations dealing with the same."

The council of state has accordingly prepared ten regulations for dealing with this matter, and, having reported them to the throne, has received an imperial rescript saying: "Let it be as proposed."

Among these ten regulations we find one in which it is stated that "as foreign opium comes from abroad, the question of dealing with it is one affecting foreign relations, and it becomes necessary to request that the board of foreign affairs be instructed to consult with the representatives of the foreign powers with a view to securing uniform action in prohibiting its import;" also a statement to the effect that "we find that morphia and the use of the hypodermic syringe for injecting the same are even more injurious to the health than opium, and stringent orders ought to be issued to all the customs authorities, in accordance with the terms of Article XI of the revised British commercial treaty with China and those of Article XVI of the revised American commercial treaty with China, to entirely forbid their import into China except for medical purposes."

My board has received a copy of the above-mentioned regulations from the grand council and is well aware that Your Excellency's Government has always sympathized with China in the matter of suppressing the opium evil; that the relations between China and the United States are most cordial; and that there is no good undertaking in which your country has not given us its assistance, and, now that we have received another decree directing us to consult and make a satisfactory arrangement, we have prepared a memorandum dealing with the matter, which we send inclosed, and which, I trust, Your Excellency will forward to your Government for its consideration.

A necessary dispatch.

SEAL OF THE WAI WU PU.

[Subinclosure.—Translation.]

1. There are many opium shops and opium-smoking houses in the foreign settlements, in addition to which the inns, wine shops, tea houses, and brothels are also used for purposes of opium smoking. Besides there are many hongs and shops which sell opium pipes, opium-pipe bowls, as well as the lamps and other apparatus used in opium smoking, and I have to request that your Government will issue orders to have employed in all the foreign settlements the same methods of inspection and prohibition as are used by the local Chinese authorities.

2. All countries are thoroughly acquainted with the injury done by morphia and the instruments for its injection. My board in the third moon (March–April) sent a note to each of the representatives in Peking of the various powers, asking their consent to the prohibition of the import of morphia and the instruments for its injection. The greater part of them have already replied, giving consent; but there are a few who have not yet replied, to whom we have written again urging action. This is a matter which must be classed as a worthy undertaking, and I have to request that your Government will at once consent to its being undertaken with a view to its thorough enforcement.

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[Inclosure 2.—Translation.]

Regulations for the suppression of opium smoking.

Submitted by the council of state during the tenth moon (November–December), 1906, and approved by the throne.
(Printed in Foreign Relations 1906, pp. 366–369.)

[Inclosure 3.]

Treaty of Wangshia (1844).

ARTICLE XXXIII. Citizens of the United States * * * who shall trade in opium or any other contraband article of merchandise shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United States * * *.

[Inclosure 4.]

Commercial treaty (Peking—1880).

ARTICLE II. The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium in any of the ports of the United States, and the citizens of the United States shall not be permitted to import opium into any of the open ports of China or transport from one open port to any other open port, or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either power, to foreign vessels employed by them or to vessels owned by the citizens or subjects of either power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States, and the benefits of the favored-nation clauses in existing treaties shall not be claimed by the citizens or subjects of either power as against the provisions of this article.

[Inclosure 5.]

Revised Statutes of the United States.

CHAPTER 210. An act to provide for the execution of the provisions of article two of the treaty concluded between the United States of America and the Emperor of China on the seventeenth day of November, eighteen hundred and eighty, and proclaimed by the President of the United States on the fifth day of October, eighteen hundred and eighty-one.

Be it enacted, etc., That the importation of opium into any of the ports of the United States by any subject of the Emperor of China is hereby prohibited.

Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. That every package containing opium, either in whole or in part, imported into the United States by any subject of the Emperor of China, shall be deemed forfeited to the United States; and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations.

SEC. 3. That no citizen of the United States shall import opium into any of the open ports of China, nor transport the same from one open port to any other open port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any citizen of the United States, either in whole or in part, and employed by

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persons not citizens of the United States, take or carry opium into any of such open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them.

Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than fifty dollars, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such punishments, in the discretion of the court.

The consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section, subject to the general regulations provided by law.

Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of the Emperor of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within the Empire of China. (February 23, 1887.)

File No. 774/18–19.

The Secretary of State to Ambassador Reid.

No. 385.] DEPARTMENT OF STATE,
Washington, January 31, 1907.

SIR: By the department's No. 297 of September 27 last,[a] you were instructed to ascertain the views of the British Government, in advance of general overtures being made to the other powers having possessions or interests in the Far East, as to whether it would be willing to join in a general and impartial investigation of the scientific and material conditions of the opium trade and the opium habit in that quarter; and a similar instruction was on the same day sent to the ambassador at Tokyo with reference to the Japanese Government.

The initial inquiries thus made having elicited favorable responses from the Governments of Great Britain and Japan (see your No. 291 of November 27, 1906,[b] and the copy of No. 103 of November 24, 1906,[c] from the embassy at Tokyo, inclosed herewith), and the cooperation of China seeming assured by the imperial restrict of November 21, 1906, the department has issued instructions to the diplomatic agents of the United States accredited to France, Germany, and the Netherlands inquiring whether the government to which each is accredited, respectively, would be willing to join in a conference on the opium question, or whether, if another course were deemed more convenient and practical, it would be prepared to name a commissioner who, in concert with like commissioners of the other powers named, would investigate the subject, with a view to submitting a joint recommendation to the powers, or, in case of divergence of views, a statement thereof to the several governments for their consideration and appropriate determination in the direction of united action, as the result of a conference, or coincident action

[a] See Foreign Relations, 1906, p. 360.
[b] See Foreign Relations, 1906, p. 365.
[c] See Foreign Relations, 1906, p. 364.

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by each government in its own sphere. A copy of the instruction is inclosed.

As the former instructions to you had reference to an inquiry and made no mention of a conference, the department desires you, in bringing the present information to the knowledge of the British Government, to inquire which of the two courses suggested would be the more convenient and acceptable to it.[a]

I am, etc., ELIHU ROOT.

File No. 774/18–19.

The Secretary of State to Minister Hill.

No. 65.] DEPARTMENT OF STATE,
Washington, January 31, 1907.

SIR: I inclose herewith a copy of an instruction[b] sent mutatis mutandis to the embassies at London and Tokyo by which the views of the British and Japanese Governments were sought with reference to a general and impartial investigation of the scientific and material conditions of the opium trade and the opium habit in the Far East, to be conducted by the principal powers having possessions and direct interests in that quarter, namely, the United States, Great Britain, France, the Netherlands, Germany, China, and Japan.

The British Government has replied that it is willing to take part in such an inquiry if the other powers above mentioned are likewise willing to participate, and if, as regards China, the inquiry shall be extended to the production of opium in China as well as to the importation of foreign opium.

The Japanese Government has replied that it will be willing to join in the investigation suggested and to take steps looking toward a limitation or suppression of the opium traffic, provided that China's bona fide cooperation is assured.

Since the department's initial inquiry was made and the views of Great Britain and Japan thereon elicited, the regulations for the suppression of opium growing and smoking in China, drawn up and submitted by the council of government reforms, have been approved by imperial rescript dated November 21, 1906. A copy of these regulations is inclosed.

In a dispatch to the department dated December 6, 1906,[c] the American legation at Peking says:

> It is intended to gradually eliminate the cultivation of the poppy, and the viceroys and governors are instructed to see that magistrates investigate and report on the acreage of poppy lands and issue licenses to farmers owning such lands, on condition that the quantity of poppy be reduced each year and replaced with whatever crop the nature of the soil may be fitted for.
>
> Already the customs taot'ai, Liang T'un Yên, has been instructed by His Excellency the Viceroy Yüan Shih-k'ai to consult the consuls of Tientsin regarding the prohibition of the establishment of new opium dens in their concessions. Those in the Chinese city have already been prohibited, so that the young men may be freed from the temptation to become habitual smokers of this noxious drug, and all existing houses are to close their doors within a certain period. It is requested that a similar period be fixed by the foreign consuls after consultation with Taot'ai Liang.

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[a] Copy sent mutatis mutandis to the embassy at Tokyo, January 31, 1907. No. 65.

[b] Supra.

[c] See Foreign Relations, 1906, p. 365.

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The commissioners of the south and north sections of the Tientsin city police have received instructions from the viceroy to order the keepers of all existing opium dens, except shops that sell both raw and prepared opium, in Tientsin and its suburbs, to close their doors and stop business before the end of the current Chinese month (i. e., December 15) or they will be most severely punished without indulgence. In order to put this command into effect, Chinese restaurants, eating houses, and wine shops are prohibited from keeping lamps and pipes for opium smoking by their visitors after the 15th instant and offense will be punished by severe penalties.

All ships importing raw and prepared opium will be prohibited from carrying on this traffic within a certain time, i. e., after proper regulations have been drawn up between Sir John Jordon and the foreign office for the gradual reduction of the importation of Indian opium into China and of the planting of home-grown opium in the provinces. It is believed that His Excellency Tang Shao-i will open negotiations with the British minister on this subject shortly.

From the foregoing, China's cooperation in the investigation may be confidently expected.

The views of Great Britain and Japan being favorable and the cooperation of China seeming assured, it is desired to have you take an early opportunity to bring this matter to the attention of the Government of the Netherlands, and to inquire of it whether it will be willing to join with the other powers mentioned in a conference on the opium question, or whether, if another course were deemed more convenient and practical, it would be prepared to name a commissioner who, in concert with like commissioners of the other named powers, would investigate the subject, with a view to submitting a joint recommendation to the powers, or in case of divergence of views a statement thereof, to the several governments, for their consideration and appropriate determination in the direction of united action, as the result of a conference, or coincident action by each government in its own sphere.[a]

I am, etc., ELIHU ROOT.

File No. 774/33–36.

Minister Rockhill to the Secretary of State.

No. 539.] AMERICAN LEGATION,
Peking, February 18, 1907.

SIR: In further reference to the attempt being made by the Chinese Government to abolish the use of opium (see my dispatches No. 469 of December 6, 1906,[b] and 497 of January 4, 1907[c]), I beg to transmit to you herewith the proposals submitted by the Chinese Government to the British minister here on November 29 last, and which are now under consideration by the British Government.

I inclose also a copy of a letter signed by all the British merchants in China interested in the opium trade to the British consul-general in Shanghai, asking to be advised as to the views of their government, so that they may have an opportunity to be heard as to the manner

[a] Copy sent mutatis mutandis to the embassy at Berlin, January 31, 1907, No. 604, and Paris, January 31, 1907, No. 254.

[b] See Foreign Relations, 1906, p. 365.

[c] Supra.

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in which the extinction of the Indian opium trade in China should be carried out.

There appears to be little reason for them to fear that any steps will be taken by the British Government until it has proof that the Chinese Government is not only desirous but able to carry out this reform. At present few Chinese or foreigners believe that it will be able to give effect to its good intentions, notwithstanding the best efforts of the men who, in official and private life, have sincerely at heart the abolition of the use of opium, as an indispensable first step to the moral regeneration of the race. The more general opinion among the Chinese to whom I have spoken on this subject is that the period of ten years is entirely too short to accomplish the reform and that its probable failure will prove a heavy blow to progressive measures generally.

Another imperial edict, a translation of which I inclose, appeared on the 7th of this month, commanding the high provincial authorities to gradually prohibit the cultivation of poppy; it is probably issued as a proof of the Government's ability to carry out the reform, the only one given until now being the closing of opium dens in this province, for elsewhere throughout the Empire even that does not appear to have been done.

I have, etc., W. W. ROCKHILL.

[Inclosure 1.]

Suppression of the opium trade.

FULL PROPOSALS OF THE CHINESE GOVERNMENT.

The following are the proposals of the Chinese Government for the suppression of the opium trade submitted to Sir John Jordon:

We have in former issues given a brief outline of the Government's proposals to the British minister, and now reproduce a more detailed statement from the native papers.

The following are the points which have been referred to the British Government for consideration:

1. As native opium is to be entirely suppressed within ten years, foreign opium shall be so likewise, so that the supplies may be discontinued simultaneouly. The importation of Indian opium shall therefore be reduced proportionally. It is requested that the average of the imports for the years 1901–5 be taken as a standard, and the decrease being in the year 1907, importation to cease in the eleventh year.

2. Calcutta being a center of opium export trade in India, it is requested that Chinese officials be allowed to inspect the packing and exporting of opium at Calcutta, so as to secure an authentic return of the opium exported to China.

3. Foreign opium being double the strength of native opium, it was formerly taxed at the rate of 60 to 90 taels per picul, and the present tariff is 115 taels, while native opium pays 110 taels per picul, including duty and likin. Comparatively, the tax on the former is much less than for the latter, and it is feared that the smokers will take the foreign drug, which will make matters worse. It is not a question of revenue, but a measure for checking the use of opium. Great Britain is requested to consent to increase the tax to 220 taels instead of 110 taels, as hitherto levied.

4. As opium is prepared at Hongkong and great quantities sent over to China, this should be dealt with in the following manner:

(*a*) The Hongkong governor is requested to give assistance in the prohibition of prepared opium being imported into China.

(*b*) China be allowed a free hand to impose taxes on such opium when imported to China.

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5. It is requested that the foreign concessions be ordered to cooperate with the local officials in the prohibition of opium dens, restaurants, tea houses, and houses of ill-fame in which opium smoking is allowed, together with the shops where opium pipes, lamps, and other apparatus are put up for sale in the concessions.

6. Morphia and syringes are to be prohibited according to the 14th article of the commercial treaty signed between Great Britain and China, providing all powers agree. The Waiwu Pu had, in the third moon, this year, notified the powers with whom the new commercial treaty has not been settled to this effect, and most of them have agreed. Great Britain is requested to consent to the actual prohibition.

[Inclosure 2.]

The restriction of opium.

BRITISH MERCHANTS IN SHANGHAI PROTEST.

The following letter, dated January 7, has been forwarded to His Britannic Majesty's consul-general, Sir Pelham Warren:

SIR: The proposals recently made by the Chinese Government to prohibit the consumption of opium in China are naturally of such great importance to us British merchants who deal in this commodity that we are entitled to the earliest information as to what is proposed to be done in the matter by His Britannic Majesty's Government.

It may be known to you that India exports to China every year about 75,000 chests of opium of value of about 5,000,900 taels, and the whole trade is carried on by the British merchants, who at the present moment hold enormous stocks in Shanghai and Hongkong, the value of which may be roughly put down at 10,000,000 taels. The magnitude of these figures speaks for itself, and makes it obvious how our interests must be affected by the sudden contemplated changes.

Though we claim no voice on the trade, we do claim to be heard as to the manner in which such extinction should be carried out. It is most important that in order not to entail heavy and ruinous losses on us, the suppression of the trade should be carried out gradually, and any measures that are framed should give ample time to the merchants to work off their stocks in hand or contracted for. We feel confident that the British authorities will not refuse to accept representations and suggestion from those so heavily interested and specially qualified to give them.

When it is known definitely what regulations will be put in force, we merchants can provide accordingly, and the trade, though dwindling, will be carried on according to circumstances. For this reason, if for no other, we ask that we should be informed as soon as possible of the views of His Britannic Majesty's Government.

We therefore ask you as the representative of His Britannic Majesty's Government in Shanghai to bring these our requests to the notice of the proper authorities, and hope that an early reply may be given to us.

We are, your obedient servants,

DAVID SASSOON & Co. (Ltd.).
E. D. SASSOON & Co.
S. J. DAVID & Co.
CAWASJEE PALANJEE & Co.
E. PABANEY.
ABDOOLALLY EBRAHIM & Co.
TATA & Co.
R. S. N. TALTAI & Co.
TALTAI & Co.
P. B. PETIT & Co.
M. M. B. AFSHAR & Co.
D. E. J. ABRAHAM.
ISAAC EZRA & Co.

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[Inclosure 3.]

(Imperial edict, February 7.)

Provincial governors ordered to prohibit poppy growing.

The board of domestic affairs has submitted the following memorial in connection with the prohibition of opium smoking:

"We have already issued a decree ordering the suppression of opium; it does injury to people's lives.

"Now, the said board memorializes requesting to extend the system to the provinces by closing all the opium in a certain time.

"The tartar-general, viceroys, and governors are to instruct their subordinates to take strict measures in this matter, the prohibition of planting poppies being the fundamental step.

"The high provincial authorities are held responsible for the reduction of poppy plantations, and within ten years the native opium trade, together with foreign drug, must be equally and totally suppressed.

"No negligence or pretext on the part of the officials is allowed in putting our good wishes for the people into execution."

File No. 774/23–27.

The Secretary of State to Minister Rockhill.

No. 256.] DEPARTMENT OF STATE,
Washington, February 23, 1907.

SIR: I have to acknowledge the receipt of your interesting dispatch No. 497, of the 4th ultimo, on the subject of the suppression of the opium trade in China.

The department approves your statement to the Wai-wu Pu, that before asking the United States to agree to the immediate enforcement of the provisions of the treaty of October 8, 1903, China should herself do all she is required to do under Article XVI of the treaty.

I am, etc.,

ELIHU ROOT.

File No. 774/32.

Chargé Carter to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, March 15, 1907.

(Mr. Carter informs Mr. Root, referring to his instructions No. 385 of the 31st of January, respecting opium trade in the Far East, that he has been informed by Sir Edward Grey that in the opinion of His Majesty's Government procedure by way of commission would seem better adapted to the investigation of facts than an international conference, on the ground that a conference might find materials placed before it insufficient for arriving at definite recommendations, but should other powers prefer a conference, His Majesty's Government would not press their view. He also states that Sir Edward Grey will be asked in the House of Commons next Monday whether British Government has received a proposal from the United States Government for the appointment of a commission or conference respecting the opium traffic, and if so, whether he can give particulars of the proposal as well as the reply to His Majesty's Govern-

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ment. Mr. Carter further states that Sir Edward Grey proposes to answer the question in the above-mentioned sense, and asks, if the department has any objection to the question being answered, to please advise him at once.'

File No. 774/37–39.

Chargé Carter to the Secretary of State.

No. 335.] AMERICAN EMBASSY,
London, March 15, 1907.

SIR: With reference to your instruction No. 385 of the 31st of January last (File No. 774), respecting a general and impartial investigation of the scientific and material conditions of the opium trade and the opium habit in the Far East, I have the honor to inclose herewith a copy of a note from Sir Edward Grey, dated the 14th instant, in reply to a memorandum presented to the foreign office by Mr. Reid on the 11th ultimo, a copy of which is also inclosed.

It will be seen that, in the opinion of His Majesty's Government, procedure by way of commission would seem better adapted to the investigation of the facts of the opium trade and the consequence of the opium habit in the Far East than an international conference to that end, on the ground that a conference, if convened, might find that the materials placed before it were insufficient for arriving at definite recommendations.

Sir Edward Grey, however, further states, in the note in question, that His Majesty's Government have no desire to press this view should the other powers consulted prefer procedure by way of a conference.

I have, etc., JOHN RIDGELY CARTER.

[Inclosure 1.]

Chargé Carter to the Minister for Foreign Affairs.

MEMORANDUM.

AMERICAN EMBASSY,
London, February 11, 1907.

Great Britain advised the United States, in Sir Edward Grey's letter of November 22, 1906,[a] that His Majesty's Government was willing to take part in a joint commission or joint investigation of the opium trade and the opium habit in the Far East by the United States, Great Britain, France, the Netherlands, Germany, China, and Japan if the other powers agreed, and if, as regards China, the inquiry extended to the production of opium in China as well as to the import of foreign opium.

Since then the United States has received a similar favorable response from the Government of Japan; the cooperation of China seems also assured by the imperial rescript of November 21, 1906.

The United States is now inquiring from France, Germany, and the Netherlands whether they would be willing to join in a conference on the opium question, or whether, if deemed more convenient and practical, they would be prepared to name commissioners, who would concert with like commissioners

[a] See Foreign Relations, 1906, p. 365.

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of the other powers named, to investigate the subject. In the latter case either a joint recommendation of the powers would be expected, or, in case of divergence of opinions, a statement to each government for its consideration, with a view ultimately to united action or to coincident action by each government in its own sphere.

The United States would be glad to learn which of the two courses above suggested would seem to His Majesty's Government the more convenient and acceptable.

[Inclosure 2.]

The Minister for Foreign Affairs to Chargé Carter.

No. 7471.] FOREIGN OFFICE,
London, March 14, 1907.

SIR: I have the honor to inform you that His Majesty's Government have considered the memorandum communicated to me on the 11th ultimo, inquiring whether His Majesty's Government would prefer to join in an international conference on the question of the production of opium in China as well as of the import of foreign opium into that country, or to name commissioners who would investigate the subject in concert with the commissioners of certain other powers.

I have the honor to say in reply that, in the opinion of His Majesty's Government, procedure by way of commission would seem better adapted than a conference for an investigation of the facts of the opium trade and of the consequences of the opium habit in the Far East. It is understood, from the conversation which I had the honor of holding with Mr. Whitelaw Reid on October 17 last, that it was the wish of the Government of the United States that the facts should be carefully investigated in the Far East by a commission preliminary to any action which might be taken by the powers jointly or severally. It is conceivable that a conference, if convened, might find that the materials placed before it were insufficient for arriving at definite recommendations.

If, however, the other powers consulted prefer procedure by way of a conference, His Majesty's Government have no desire to press this view.

I have, etc.,

E. GREY.

File No. 774/52–53.

Minister Rockhill to the Secretary of State.

No. 559.] AMERICAN LEGATION,
Peking, March 15, 1907.

SIR: In further relation to the measures being taken by the Imperial Government for the suppression of opium smoking I inclose herewith a translation of an imperial edict emphasizing the determination of the Throne to carry out this great reform.

So far as I can learn, the only province in which the regulations are being enforced is this one; in the others one hears of a few localities where stringent measures are being tried, but on the whole indications are not wanting to show that the genuineness of the Government is still doubted.

I have, etc., W. W. ROCKHILL.

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[Inclosure.—Translation.]

Imperial edict against opium traffic.

FEBRUARY 19, 1907.

VICEROYS ORDERED TO REDUCE POPPY-CULTIVATION AREA.

The following imperial edict has been published:

With reference to the memorial of the ministry of the interior regarding the universal prevention of the opium habit, we may state that, owing to the great harm the drug does to our people, we had already issued on a former occasion our decree that opium must be strictly prohibited and a certain limit of time allowed for the complete abolition of its use amongst the people of the Empire.

The memoralists advocate that branches of the antiopium society be distributed as widely as possible, and that opium divans in the provinces be abolished and closed in accordance with the new regulations.

We hereby command the viceroys, governors, and tartar-generals of provinces to impress upon their subordinates the importance of doing their duty in this connection with diligence and energy.

To abolish in earnest the practice of opium consumption it is most necessary to clear out the source of supply, and this is the prohibition of the cultivation of the poppy plant.

We therefore look to the said viceroys, governors, and tartar-generals of provinces to pay diligent attention to the regulations sanctioned by the Throne, namely, the gradual annual reduction of the area devoted to the cultivation of the poppy plant, so that the production of foreign, as well as native, opium may entirely cease within the stated limit of ten years.

Let there be no subterfuges to deceive us in the matter, so that we may attain our greatest desire to protect from harm and show kindness to our subjects by stamping out a deep-seated and dangerous habit.

File No. 774/33–36.

The Acting Secretary of State to Minister Rockhill.

No. 270.] DEPARTMENT OF STATE,
Washington, March 28, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 539, of the 18th ultimo, inclosing a newspaper clipping, stating the proposals submitted by the Chinese Government to the British minister at Peking, on November 29 last, looking to the suppression of the opium trade in the Far East; and also inclosing a copy of a letter signed by all the British merchants in China interested in the opium trade, to the British consul-general at Shanghai, asking to be advised as to the views of their Government, so that they may have an opportunity to be heard as to the manner in which the extinction of the Indian opium trade in China should be carried out.

You also send a copy of an imperial edict, commanding the high provincial authorities to prohibit gradually the cultivation of poppy, and you comment on the situation.

In reply I have to say that this salutary movement is being watched with interest and with benevolent wishes that reform may be effected.

For your further information I inclose herewith a copy of an instruction that was sent to our ambassador to Japan on January 31 last, and, mutatis mutandis, to the ambassador to Great Britain, and a copy of an instruction that was sent to the ambassador to Germany on the same day, and, mutatis mutandis, to the ambassador to France and the minister to the Netherlands.

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I also inclose an extract from a telegram, dated the 15th instant, from the embassy at London in relation to the matter.

I am, etc.,

ROBERT BACON.

File No. 774–44.

Minister Hill to the Secretary of State.

No. 200.] AMERICAN LEGATION,
The Hague, March 28, 1907.

SIR: I have the honor to inclose herewith, with translation of the note of the minister of foreign affairs, the correspondence relating to the proposition of the United States inviting the cooperation of the Government of the Netherlands in measures to be taken for the suppression of the opium trade in the Far East.

It will be noted that the government of Her Majesty the Queen of the Netherlands is disposed to cooperate in the institution of an inquiry upon the subject, and will proceed to nominate a delegate to the proposed conference or to indicate a member in the eventual commission when it is decided in what manner the inquiry shall be made.

I have, etc.,

DAVID J. HILL.

[Inclosure 1.]

Minister Hill to the Minister for Foreign Affairs.

No. 125.] AMERICAN LEGATION,
The Hague, February 14, 1907.

SIR: I inclose herewith a copy of an instruction sent mutatis mutandis by my Government to the United States embassies at London and Tokyo, by which the views of the British and Japanese governments were sought with reference to a general and impartial investigation of the scientific and material conditions of the opium trade and the opium habit in the Far East, to be conducted by the principal powers having possessions and direct interests in that quarter, namely, Germany, China, and Japan.

The British Government has replied that it is willing to take part in such an inquiry if the other powers above mentioned are likewise willing to participate, and if, as regards China, the inquiry shall be extended to the production of opium in China as well as to the importation of foreign opium.

The Japanese Government has replied that it will be willing to join in the investigation suggested and to take steps looking toward a limitation or suppression of the opium traffic provided that China's bona fide cooperation is assured.

Since the department's initial inquiry was made and the views of Great Britain and Japan thereon elicited, the regulations for the suppression of opium growing and smoking in China, drawn up and submitted by the council of government reforms, have been approved by the imperial rescript November 21, 1906. A copy of these regulations is inclosed.

In a dispatch to the Department of State at Washington, dated December 6, 1906, the American legation at Pekin says:

"It is intended to gradually eliminate the cultivation of the poppy, and the viceroys and governors are instructed to see that magistrates investigate and report on the acreage of poppy lands, and issue licenses to farmers owning such land, on condition that the quantity of poppy is reduced each year and replaced with whatever crop the nature of the soil may be fitted for.

"Already the Chinese Taot'ai, Liang T'un Yen, has been instructed by His Excellency the Viceroy Yuan Shih k'ai to consult the consuls of Tientsin regarding the prohibition of the establishment of the new opium dens in their

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concessions. These in the Chinese City have already been prohibited so that the young men may be freed from the temptation to become habitual smokers of this noxious drug, and all existing houses are to close their doors within a certain period. It is requested that a similar period be fixed by the foreign consuls after consultations with Taot'ai Liang.

"The commissioners of the south and north sections of the Tientsin city police have received instructions from the viceroy to order the keepers of all existing opium dens, except shops that sell raw and prepared opium, in Tientsin and the suburbs, to close their doors and to stop business before the end of the current Chinese month (i. e., December 15) or they will be most severely punished without indulgence. In order to put this demand into effect, Chinese restaurants, eating houses, and wine shops are prohibited from keeping lamps and pipes for opium smoking by their visitors after the 15th instant and offense will be punished by severe penalties.

"All ships importing raw and prepared opium will be prohibited from carrying on this traffic within a certain time, i. e., after proper regulations have been drawn up between Sir John Jordan and the foreign office for the gradual reduction of the importation of Indian opium into China and of the planting of home-grown opium in the provinces. It is believed that His Excellency Tang Shao-i will open negotiations with the British minister on this subject shortly."

From the foregoing China's cooperation in the investigation may be confidently expected.

The views of Great Britain and Japan being favorable and the cooperation by China seeming assured, it is deemed desirable by my Government that I take an early opportunity to bring this matter to the attention of the Government of the Netherlands, and, in connection therewith, I now have the honor to inquire of the Netherlands Government whether it will be willing to join with the other powers mentioned in a conference on the opium question, or whether, if another course were deemed more convenient and practical, it would be prepared to name a commissioner, who, in concert with like commissioners of the other named powers, would investigate the subject, with a view to submitting a joint recommendation to the powers, or in case of divergence of views a statement thereof, to the several governments, for their consideration and appropriate determination in the direction of united action, as the result of a conference or coincident action by such Government in its own sphere.

Accept, etc.,

DAVID J. HILL

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Minister Hill.

No. 4747.] MINISTRY OF FOREIGN AFFAIRS,
The Hague, March 27, 1907.

Mr. MINISTER: Replying to Your Excellency's note of the 14th of February last, No. 125, I have the honor to notify you that Her Majesty's Government is disposed to cooperate in the manner indicated for the institution of an inquiry into the trade and consumption of opium in the Far East. It will proceed to nominate a delegate to the conference mentioned by Your Excellency, or either to the indication of a member of an eventual commission, as soon as it is decided what sort of inquiry is to be made.

Accept, etc.,

VAN TETS VAN GOUDRIAAN.

File No. 774/60.

Ambassador Wright to the Secretary of State.

No. 205.] AMERICAN EMBASSY,
Tokyo, March 29, 1907.

SIR: Referring to my dispatch No. 195 of the 19th instant,[a] I have to inform you that I have received to-day a communication

[a] Not printed.

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from the imperial foreign office in reply to the inquiry contained in your dispatch No. 65 of January 31 last (file No. 774), as to whether the Japanese Government would be willing to join in a conference on the opium question, or whether, if another course were deemed more convenient and practicable, it would be prepared to name a commissioner who, in concert with like commissioners of the other powers named, would investigate the subject. This reply states that "the Japanese Government would have no objection to either course, if taken, of convening the international conference or of naming the commissioner, when each of the governments above mentioned" (i. e., of France, Germany, and The Netherlands) "will have consented thereto."

While inclosing a copy of the English translation which was inclosed with this communication of the foreign office,

I have, etc.,

LUKE E. WRIGHT.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Wright.

No. 18.] DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, March 27, 1907.

Mr. AMBASSADOR: I have the honor to acknowledge the receipt of your excellency's note under date of the 8th instant, stating to the effect that the inquiries made by the United States Government toward the end of last year about the views of the Imperial Government and of the British Government, relative to the limitation and suppression of the opium traffic, having elicited favorable replies from these Governments as to the investigation on the subject, your excellency's Government have made further injuiries of the Governments of France, Germany, and the Netherlands as to whether they would join in an international conference on the question or whether, if another course were deemed more covenient and practical, each of the Governments would be prepared to name a commissioner who would undertake to investigate the subject. Your excellency now makes a similar inquiry as to the views of the Imperial Government on the question.

In reply, I beg leave to state that the Japanese Government would have no objection to either course being taken of convening the international conference or of naming the commissioner, when each of the Governments above mentioned will have consented thereto.

I avail, etc.,

VISCOUNT HAYASHI.

File No. 774/42.

Chargé Eddy to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, April 2, 1907.

(Mr. Eddy refers to the department's number 604 and states that he has received a note from the ministry for foreign affairs which states that "the Imperial Government is very willing to accept the invitation of the United States to take part conjointly with the Governments of the United States, Great Britain, France Holland, China, and Japan in a conference for the investigation of the opium question and the opium trade in eastern Asia. Further, if it should be more practical, the Imperial Government would be willing to appoint a commission to study the opium question and to investi-

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gate proposals, or it would name a commissioner to take part in a united action." Mr. Eddy states that the ministry for foreign affairs desires to be informed as to how the proposals of the United States have been received by the other powers.)

File No. 774/47–48.

Chargé Eddy to the Secretary of State.

No. 1142.] AMERICAN EMBASSY,
Berlin, April 3, 1907.

SIR: Referring to your instruction No. 604, of the 31st of January, 1907, I have the honor to transmit herewith a copy and a translation of a note dated the 28th of March, 1907, which I have just received from the Imperial German ministry for foreign affairs on the subject of the opium trade in eastern Asia. I have also the honor to confirm herewith my cipher telegram of April 2, on the same subject, which being deciphered should read as follows:[a]

I have, etc., SPENCER EDDY.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Eddy.

BERLIN, *March 28, 1907.*

In reply to the note of the 27th of February, 1907, the undersigned has the honor to inform Mr. Spencer Eddy, chargé d'affaires of the United States of America, that the Imperial Government is very willing to accept the invitation of the United States to take part, conjointly with the Governments of the United States, Great Britain, France, Holland, China, and Japan, in a conference for the investigation of the opium question and the opium trade in eastern Asia. Further, if it should be deemed more practical, the Imperial Government would be willing to appoint a commission to study the opium question and to investigate proposals, or it would name a commissioner to take part in a united action.

The undersigned, while desiring to be informed as to how the proposals of the United States have been received by the other powers, avails himself of this opportunity to renew to the chargé d'affaires the assurance of his highest consideration.

VON TSCHIRSCHKY.

File 774/42.

The Secretary of State to Chargé Eddy.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 6, 1907.

(Mr. Root acknowledges Mr. Eddy's telegram of the 2d and states that the British Government has expressed preference for commission to investigate opium trade rather than initial conference, but will offer no objection to latter if other powers prefer it. Informs him that no further replies have been received, although Japan had already indicated consent.)

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[a] Supra.

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File No. 774/54.

The Secretary of State to the Danish Minister.

No. 680.] DEPARTMENT OF STATE,
Washington, May 6, 1907.

SIR: I have the honor to acknowledge the receipt of Mr. Brun's note of the 26th ultimo,[a] in which he inquires whether the exportation of opium, morphia, and hypodermic syringes to China has been prohibited by the United States, conformably to article 16 of the treaty with China of October 8, 1903; and if so, in what manner.

In reply I have the honor to say that article 16 of the treaty of 1903 is unilateral. The United States simply consents to the prohibition by the Government of China of the importation into China of morphia and of instruments for its injection. No legislative action by the United States thereunder is necessary. Citizens of the United States are forbidden to import opium into China by the law of February 23, 1887, providing for the execution of the provisions of article 2 of the treaty between the United States and China of November 17, 1880.

I inclose a print of the treaty of November 17, 1880,[a] and a copy of the law of February 23, 1887.[a]

Accept, etc., ELIHU ROOT.

File No. 774/71.

Minister Hill to the Secretary of State.

No. 234.] AMERICAN LEGATION,
The Hague, May 14, 1907.

SIR: Referring to my No. 200, of March 28, 1907, relating to the suppression of the opium trade in the Far East, I have the honor to inclose herewith a copy and translation of a note just received from the minister of foreign affairs in which his excellency states that Her Majesty's Government is of opinion that the nomination of an international commission would be preferable to the calling of a conference to study the opium question in the Far East.

I have, etc., DAVID J. HILL.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Minister Hill.

No. 8098.] MINISTRY OF FOREIGN AFFAIRS,
The Hague, May 11, 1907.

Mr. MINISTER: Referring to my note of March 27 last, No. 4747, I have the honor to inform your excellency that Her Majesty's Government is of opinion that the nomination of an international commission would be preferable to the calling of a conference to study the opium question in the Far East.

Accept, etc.,

VAN TETS VAN GOUDRIAAN.

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[a] Not printed.

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File No. 774/83–90.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 619.] AMERICAN LEGATION,
Peking, May 17, 1907.

SIR: In continuation of my dispatch, No. 559, of March 15, in reference to the anti-opium movement in China, and particularly to the measures being adopted by the Government to carry out the opium edict of September 20, 1906.

Within the last three weeks there has been issued by the Emperor a court order to all officials impressing upon them the imperative necessity of exerting themselves to the utmost to carry out the imperial commands, which we learn from various sources have only been heeded in a few isolated sections of the country, in this province and in the Two Kuang provinces particularly, where an active anti-opium campaign is being conducted by the high provincial authorities.

My personal opinion of the outcome of the present attempts at reform of the opium traffic is that a Régie will ultimately be established, a measure which is proving useful and profitable in Formosa, Java, and other countries.

I have, etc., W. W. ROCKHILL.

File No. 774/79–81.

The Secretary of State to Ambassador White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 19, 1907.

(Mr. Root informs Mr. White that the Governments of Germany, Great Britain, Holland, and Japan are prepared to join the United States in appointing commissioners jointly to investigate the opium question provided that the cooperation of China is assured and provided that the inquiry covers the production of opium in China as well as its importation. States that the Chinese Government is favorably disposed and will doubtless appoint a commissioner, and adds that before proceeding further the reply of France is necessary. Directs Mr. White to see instruction No. 254 of January 31.)

File No. 774/79–81.

The Secretary of State to Minister Rockhill.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 19, 1907.

(Mr. Root states that the department desires to know definitely whether the Government of China will join the Governments of the United States, France, Germany, Great Britain, Holland, and Japan

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in appointing commissioners cooperatively to investigate the question of opium in China, including the subjects of both importation and production there. Adds that other Governments, excepting France, have already accepted this proposal.)

File No. 774/103–104.

Minister Rockhill to the Secretary of State.

No. 656.] AMERICAN LEGATION,
Peking, June 29, 1907.

SIR: In further acknowledgment of the department's cablegram received June 21, directing me to secure China's definite acceptance of the proposed opium joint commission, I have the honor to inform you that on the 21st instant I called on Na Chung-t'ang at the Wai-wu Pu, and handed him a copy in translation of your cablegram.

His excellency said that the matter referred to was absolutely new to him; that he had heard nothing official concerning it, knew neither the scope of the investigation or the methods to be followed in making it. He would see Prince Ch'ing and the president of the home office (Min Ch'eng Pu) and consult with them about it.

I explained to his excellency the object of our Government, as known to me through your instruction No. 270 of March 28 last, dwelling particularly on the fact that, considering the imperial edict of September 20, 1906, and the subsequently published regulations for the suppression of the opium habit, our Government confidently expected the prompt and hearty cooperation of the Imperial Government in conducting the investigation and furthering in every way the undertaking. I urged a prompt reply to your inquiry, saying that any delay on the part of the Government in declaring its adhesion would very likely be misunderstood and would produce a most unfortunate impression, as it would certainly shake the confidence of many in the bona fides of China's declarations of its intention to suppress the opium habit in the Empire.

On the 24th instant I sent the Wai-wu Pu a note repeating your inquiry and offering some words of explanation on the scheme.

Having heard from various sources that the Wai-wu Pu was apprehensive that the joint commission might in some way infringe China's sovereign rights by inquiring into her financial methods or recommending to the powers measures unacceptable to her, I went to the Wai-wu Pu on the 28th and explained in detail not only the proposed joint commission as I understood it, but the workings of joint commissions generally, dwelling at great length on the fact that such commissions made recommendations to their governments, which retained perfect freedom of action. I said that I would be pleased to transmit to you by wire any inquiry I could not answer, but I begged the Wai-wu Pu to make any such inquiries promptly, repeating how unfortunate it would be for China and how painful would be the impression produced if she delayed accepting the proposed commission.

I have etc.,

W. W. ROCKHILL.

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[Inclosure.]

Minister Rockhill to the Prince of Ch'ing.

No. 269.] AMERICAN LEGATION,
Peking, June 22, 1907.

YOUR IMPERIAL HIGHNESS: In the latter part of last year the Government of the United States sought the views of certain of the powers having possessions and direct interests in the Far East with reference to a general and impartial investigation of the scientific and material conditions of the opium trade and the opium habit with a view to their suppression.

The powers consulted having entertained favorably the suggestion of my Government, it has submitted a definite proposal to the Governments of France, Germany, Great Britain, Holland, and Japan to join it in appointing commissioners cooperatively to investigate the opium question, including the subjects of importation and of production in China. The Governments approached have already accepted the proposal of the United States, France only excepted, and it is to be presumed that it is but a matter of time before its acceptance is received.

The imperial edict of September 20, 1906, and the regulations for the prohibition of the use of opium which received the imperial sanction on November 21, 1906, proclaim clearly and emphatically the determination of the Imperial Government to prohibit the consumption of opium and prevent the cultivation of the poppy. My Government, well aware of the imperial wish as regards this matter, has considered the cooperation of His Imperial Majesty's Government assured to the project, but now that the proposals of my Government have assumed a concrete form, it is desirous of being definitely informed to that effect.

On the 21st inst. I received the following cablegram from the Secretary of State of the United States.[a]

I beg that your imperial highness will give this matter the earliest possible attention, and communicate to me the decision of His Imperial Majesty's Government, so that I may report it promptly to my Government, which is most desirous of initiating this most important undertaking.

I avail, etc.,

W. W. ROCKHILL.

File No. 774/99–102.

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 658.] AMERICAN LEGATION,
Peking, June 29, 1907.

SIR: In continuation of my dispatch No. 619 of May 17 last, dealing with the Government's endeavors to prohibit the cultivation of the poppy and the use of opium, I have the honor to inclose a copy of an imperial edict on the subject which was published on the 26th instant. It is broader in its terms than previous imperial commands on this subject, and while indicating the general line of conduct of officials and demanding energy, activity, and perseverance, leaves them sufficient latitude as to the best methods to be adopted in each province to carry out the most difficult part of this great reform, the stopping of the cultivation of the poppy.

All opium dens have been closed in Peking, Tientsin, the native city of Shanghai, Foochow, and a number of other large cities; prob-

[a] Supra.

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ably also in a great many small ones. It is difficult to secure accurate information on the subject. It is regrettable that the municipal council of the international settlement of Shanghai and the rate payers do not evidence any particular disposition to close the opium dens in the settlement.

I inclose copy of the telegraphic report[a] which the correspondent of The Times, Dr. G. E. Morrison, sent to his paper on the 19th May, which, though to my mind a trifle optimistic, is otherwise a very good statement of the progress made up to the present time. I may add that as regards morphia all the powers, Japan alone excepted, have given their assent to the enforcement of the provisions of Article XI of the British treaty of 1902 and Article XVI of our treaty of 1903. Strangely enough, China herself has not taken any steps to restrict the use of morphia, as she pledged herself to do in the article of our treaty above referred to.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

Imperial edict re prohibition of opium.

JUNE 26, 1907.

Opium is the people's great curse. An edict was promulgated last year forbidding its use, and exhorting the commission for government reform to draw up satisfactory regulations for its suppression. All metropolitan and provincial yamens were informed of this prohibition.

In the third moon of this year (i. e., May) we again exhorted all our officials to instruct their subordinates that the regulations with regard to the cultivation, trade in, and use of opium were to be rigorously enforced.[b] The Throne is deeply concerned over the sufferings of the people, and what we have decided upon in this matter must certainly be carried out.

Let the tartars-general, viceroys, and governors of Shunt'ien and of the various provinces carefully direct their subordinates to take active measures to prohibit the use of opium. Let the matter be brought to the attention of every family and every individual, for this incurable disease must be rooted out. The customs officials must zealously look for foreign opium coming in at the ports. With regard to native production in the interior, it is still more important that this be diminished each year to a certain extent, as provided in the regulations, until production be stopped entirely at the expiration of the time allowed. All officials must therefore be carefully instructed to see that the plan is carried to completion. When any local officials have shown that they have vigorously carried out their instructions in this matter, and when there are visible results of their efforts, then their superiors may memorialize the Throne asking that they be specially rewarded for their efforts; but if there be any who try to cover up their lack of enterprise in this matter, or who openly receive but secretly disobey these orders, then it shall be the duty of their superiors to point them out and to impeach them severely, asking that they be rigorously punished.

In addition to this, directions are hereby given to make an accurate investigation of the acreage under (poppy) cultivation in China. Let diagrams be made, arranged by years, and submitted to us, that we may see if our orders are being properly carried out. By these means the Throne will be assisted in its determination to rid the people of this evil.

Respect this.

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[a] Not printed.

[b] These "orders" were not published for general information. The substance of them was given in the local press, both Chinese and foreign, at the time.

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File No. 774/91.

Minister Rockhill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, July 10, 1907.

(Mr. Rockhill states that he submitted Mr. Root's telegram in reference to China, definitely adhering to opium commission, to the foreign office on the 21st, and supported it by note based on Mr. Root's dispatch No. 270. Also states that after several interviews urging their acceptance, he received a note yesterday from the minister for foreign affairs stating that the Chinese Government are not aware of the methods to be followed in making the investigation, and therefore have no definite proposition they can consider or to which they can reply. Mr. Rockhill adds that he presumes the Chinese chargé d'affaires will see Mr. Root as to the matter.)

File No. 774/106–107.

Minister Rockhill to the Secretary of State.

No. 664.] AMERICAN LEGATION,
Peking, July 10, 1907.

SIR: In continuation of my dispatch No. 656, of June 29, in reference to securing China's definite acceptance of the proposed opium commission, I have now the honor to transmit to you herewith copy in translation of a note received last night from the Prince of Ch'ing in reply to mine of June 22, sent to you in my dispatch of the 29th ultimo above mentioned.

Yesterday, while at the foreign office, I asked if a reply to my note could be expected soon, and was told that the present one had been sent me, and that it was to be understood as inquiring for fuller information as to the proposed commission. I refer to this, as the terms of the note are so guarded that this might not be realized.

I have also the honor to confirm as follows the cablegram I have to-day sent you on this matter.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

No. 299.] FOREIGN OFFICE,
Peking, July 9, 1907.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note dated June 22 to the effect that in the latter part of last year the Government of the United States had sought the views of certain of the powers having possessions and direct interests in the Far East, with reference to a general and impartial investigation of the scientific and material conditions of the opium trade and the opium habit, with a view to their suppression. Your excellency then stated that as all the powers consulted had entertained favorably the general principle of the suggestion made, your Government had later submitted a definite proposal to the Governments of France, Germany, Great Britain, Holland, and Japan inviting them to join with it in appointing commissioners cooperatively to investigate the opium question, including the subjects of importation and of production in China; that all the

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Governments approached except France had already accepted this proposal; and that although your government knew that China's cooperation was assured to the project, it was desirous of being definitely informed to that effect. A telegram had therefore been sent to you to the effect that the United States Government desired to know definitely whether the Government of China would join in appointing commissioners cooperatively to investigate the opium question, including the subjects both of importation and of production in China. Your excellency hoped that I would give this matter my earliest attention and communicate to you the decision of the Imperial Government that you might report it promptly to your Government which is most desirous of instituting this important undertaking.

In reply to this communication from your excellency I have the honor to state that my board has considered the matter and finds that the Chinese Government has already given orders for the suppression and prohibition of opium, and that several imperial edicts and decrees have been promulgated directing that this prohibition be rigorously enforced. Your Government now proposed to unite with France, Germany, Great Britain, Holland, and Japan in appointing commissioners cooperatively to investigate the question, and asks China whether or not she will join in the movement. But China is not yet aware of the methods which will be followed in making this investigation, and therefore has no definite proposition which she can consider or to which she can reply.

It becomes my duty to communicate the above to your excellency for your information.

A necessary dispatch. [SEAL OF WAIWU PU.]

File No. 774/92.

Ambassador White to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Paris, July 10, 1907.

(Mr. White informs Mr. Root, in reply to his cablegram of the 19th of June, that the French Government is willing to be represented on the international commission of investigation, provided, however, that the other powers interested agree thereto. The cooperation of China is assured, and an investigation will be extended to production of opium in China as well as to importation of foreign opium into that country. It is considered by the French Government that a commission is more practicable than a conference, which in its opinion would not possess necessary information for formulating regulations until a commission had previously made detailed investigation respecting the opium-production trade, use, and objections thereto.)

File No. 774/91.

The Acting Secretary of State to Minister Rockhill.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 11, 1907.

(Mr. Bacon states that the methods of investigation and other details will, of course, be left to the subsequent determination by China and the other cooperating powers.

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Informs Mr. Rockhill that China is now simply asked to agree in principle to a joint commission for the investigation of the opium question, including the importation of foreign opium. States that the other six interested powers have all agreed, and adds confidentially that the inevitable abandonment of the project through China's holding aloof will, in view of her anti-opium protestations, produce a peculiar impression.)

File No. 774/98.

Minister Rockhill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, July 24, 1907.

(Mr. Rockhill states that, after further oral and written representations to the foreign office in reference to the opium commission, that he received to-day a note by which the Government of China accepts in principle joint commission, with the understanding that each government make investigation in its own territory on the lines agreed upon by the whole commission.)

File No. 774/116–118.

Minister Rockhill to the Secretary of State.

No. 675.] AMERICAN LEGATION,
Peking, July 25, 1907.

SIR: In continuation of my dispatch, No. 664 of July 10, I have the honor to inclose herewith copies of a note which I addressed to the Prince of Ch'ing on the 15th instant, upon the receipt of your cablegram of the 12th idem., and the reply received on the 23d from the Prince of Ch'ing, accepting in principle the opium commission.

In my interview with H. E. Na-tung on the 19th instant he informed me that the reason why his Government had not accepted and consented to cooperate with the proposed commission had been its strong disinclination to see a commission composed of representatives of seven or eight different nationalities traveling all over China investigating the question of opium production. He felt sure it would be exposed to danger in the remoter sections of the country, and that the Imperial Government could not incur such responsibility. When I told him that my understanding of the plan of operation of the commission was that each nationality represented should make the investigation agreed upon in its own country, he said that China had then absolutely no objection to giving its adhesion to the scheme and that he would write me officially to that effect in a few days, which he did on the 23d.

I have the honor to confirm as follows the cablegram I sent you on the receipt of this note of the Prince of Ch'ing:[a]

I have, etc.,

W. W. ROCKHILL.

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[a] Supra.

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[Inclosure 1.]

Minister Rockhill to the Prince of Ch'ing.

No. 280.] AMERICAN LEGATION,
Peking, July 15, 1907.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of your imperial highness's note of the 9th instant in reply to mine of June 22 last, communicating the proposal made by my Government to the Governments of France, Germany, Great Britain, Holland, and Japan, to join it in appointing commissioners to cooperate in an investigation of the opium question, and transmitting a cablegram from the American Secretary of State, requesting to know whether or not the Chinese Government would join in such an investigation.

Your imperial highness replies that China is not yet aware of the methods which will be followed in making the investigation, and therefore has no definite proposition which she can consider or to which she can reply.

I fear that your imperial highness may not have fully understood my note of June 22. The general scope of the proposed investigation is clearly set forth in the opening paragraph of that note, which states that it is to be an impartial investigation of the opium trade and the opium habit with a view to their suppression, and that the investigation, so it is proposed, is to take note not only of the general material effects of the traffic and the habit, but is to be of a scientific character as well. The second paragraph of the note referred to states further that it is proposed to investigate the matter of the importation of opium into China and that of opium production in China.

It is well known to your imperial highness that all the powers which have signified their willingness to take part in this investigation have territorial possessions in Asia in which opium is grown or into which it is imported, and that all are therefore deeply interested in the regulation of the traffic and in the adoption of measures for the rescue of their people from the ill effects of the opium-using habit. As for the manner in which the investigation shall be conducted the commissioners themselves, after they shall have met together, must consider and decide upon such details, but none of the governments represented will be bound to accept the conclusions of the commissioners or to act upon their recommendations. The commissioners of each government will report to their own government the results of the investigation, and each government will reserve to itself the right to act as it may see fit.

Immediately upon the receipt of your imperial highness' note of the 9th instant I communicated its contents by cablegram to my Government, and am now in receipt of its reply saying that methods of investigation and other details are left to the determination of the powers cooperating, and that all that is now asked is that China will consent to the general principle of a joint commission for the investigation of the opium question, including the importation of foreign opium.

I trust that the above explanation will make clear to your imperial highness the meaning of the proposal submitted to the consideration of your imperial highness' Government, and that I may be favored at an early date with a reply, assenting to the general principle of a joint commission, as proposed, for the investigation of the opium question, in which your imperial highness' Government has shown itself so deeply interested.

I avail myself, etc., W. W. ROCKHILL.

[Inclosure 2.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

No. 306.] FOREIGN OFFICE,
Peking, July 23, 1907.

YOUR EXCELLENCY: With regard to the proposal to appoint a commission to investigate the opium question, I have the honor to acknowledge the receipt of your excellency's note of the 15th instant in which you explain clearly the meaning of the first and second paragraphs of your previous dispatch. In the note under acknowledgment you also make the following statements:

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(1) "As for the manner in which the investigation shall be conducted the commissioners themselves, after they shall have met together, must consider and decide upon such details, but none of the governments represented will be bound to accept the conclusions of the commissioners or to act upon their recommendations * * * Each government will reserve to itself the right to act as it may see fit."

(2) "All that is now asked is that China will consent to the general principle of a joint commission for the investigation of the opium question."

(3) "I trust * * * that I may be favored at an early date with a reply assenting" to such general principle.

In reply I have the honor to state that the Chinese Government is determined in its effort to prohibit the use of opium, but, not understanding the method of investigation which would be pursued by the commission, my board could not conveniently assent to the proposal before. Now, however, we have read your excellency's second note, in which your Government's proposal is clearly explained. Moreover, your excellency called at the foreign office on the 19th instant and explained that after the method of investigation shall have been agreed upon by the commissioners each government will itself make the investigation within its own territory. This is the general plan as my board understands it, and to this proposal we can consent. We will select and appoint a competent commissioner, and as soon as all the commissioners together have decided upon the method of investigation to be pursued China herself will carry out the investigation in all the Provinces.

It becomes my duty to send this note to your excellency for your information, and I request that you will forward this reply to the Department of State.

[SEAL OF THE WAIWU PU.]

File No. 774/92.

The Acting Secretary of State to Ambassador White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 9, 1907.

(Mr. Adee instructs Mr. White to send the department a copy of the note from the French Government accepting invitation to join the opium commission as outlined in his telegram of July 10.)

File No. 774/108–109.

Chargé Vignaud to the Secretary of State.

No. 66.] AMERICAN EMBASSY,
Paris, August 10, 1907.

SIR: In reply to your cable of the 10th [9th] instant, I have the honor of inclosing herewith a copy and a translation of the note of the French Government accepting our invitation to take part in a commission to investigate the opium question.

I must add that on the same day that the ambassador telegraphed the department the substance of this note, July 10, a dispatch was prepared for its transmission which was supposed to have been sent. The oversight, for which I beg to apologize, has just been discovered.

I have, etc.,

HENRY VIGNAUD.

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[Inclosure.—Translation.]

PARIS, *July 3, 1907.*

By a verbal note of June 26 last, the American ambassador asked the minister of foreign affairs to kindly acquaint him with the reply of the Government of the Republic to the proposition of the Washington Cabinet, dated February 25, to submit to an international conference or to cause to be elucidated by commissioners appointed by the interested powers the question of the commerce of opium in China. Mr. White added that the British, Japanese, German, and Dutch Governments had already replied to the above mentioned proposition that they were ready to join the Government of the United States "in naming commissioners to study the opium question if the cooperation of China was assured, and if the investigation to be made should extend to the production of opium as well as to its importation."

The minister of foreign affairs has the honor to inform His Excellency Mr. White that the Government of the Republic is ready to have itself represented in an international investigating commission if the interested powers are likewise disposed to do so, if the cooperation of China is assured, and if the investigation extends to the production of opium in China as well as to the importation of foreign opium into that country.

The Government of the Republic is of the opinion that the procedure of a commission is more practical than a conference which would not actually dispose of all the elements necessary to formulate precise rules, before a commission has proceeded to a detailed inquiry on the production, commerce, use, and disadvantages (inconvénients) of opium.

File No. 774/123–124.

Chargé Dodge to the Secretary of State.

No. 416.] AMERICAN EMBASSY,
Tokyo, September 18, 1907.

SIR: Referring to Mr. Wright's dispatch No. 195 of March 19 last,[a] in regard to a proposed investigation of the opium trade and the opium habit in the Far East, I have the honor to inclose to you herewith a copy of an English translation of a communication from Count Hayashi, minister for foreign affairs, dated the 17th instant, No. 73. This communication states that as it has been decided in the cabinet council that the Imperial Government would be pleased to indorse the proposal advanced by the President of the United States, the department of home affairs are desirous of being first informed of the views of the United States Government as to the place of meeting and other arrangements regarding the intended conference.

I am accordingly requested to refer this matter to you so that I may be able to furnish the information desired.

I have, etc.,

H. PERCIVAL DODGE.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Dodge.

No. 73.] DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, September 17, 1907.

MONSIEUR LE CHARGÉ D'AFFAIRES: In reference to His Excellency Luke E. Wright's note, F. O. No. 89, under date of the 12th March last, relative to

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[a] Not printed.

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convoking an international conference to consider the establishment of an international commission to study the propagation of the bubonic plague and to concert measures for combatting it, to which note I hastened to reply by my note, No. 19, dated the 28th March, I beg to state that a communication has now been received from the authorities concerned, the department of home affairs, to the effect that as it has been decided in the cabinet council that the Imperial Government would be pleased to indorse the proposal advanced by the President of the United States, the said authorities are desirous to be first informed of the views of the United States Government as to the place of meeting and other arrangements regarding the intended conference. I, therefore, have to request that you will be so good as to refer the matter to your Government, to the end that I may be further informed on the subject.

Accept, etc.,

COUNT HAYASHI.

File No. 774/124a.

The Acting Secretary of State to Minister Hill.

No. 134.] DEPARTMENT OF STATE,
Washington, October 14, 1907.

SIR: The Government of the United States at different times within the past twelve months has instructed its diplomatic representatives at London, Paris, Berlin, Tokyo, The Hague, and Peking to bring to the notice of the Government to which each is accredited the proposal of the United States to conduct a joint and impartial investigation of the scientific and material conditions of the opium trade and opium habit in the Far East which affect the possessions and direct interests of those Governments in that part of the world. In this connection I beg to call your attention to the department's instruction, No. 65, January 31, 1907.

The initial inquiry made having elicited favorable responses, further instructions were then issued to the several named diplomatic representatives expressing the desire of the United States to be informed whether the governments concerned preferred to investigate the opium question by means of a conference or through a joint commission.

In their replies all the various governments accepted the proposal in principle and expressed a preference for a joint commission. In one instance the reservation was made that the inquiry cover the production of opium in China as well as its importation, while several of the governments concerned accepted the proposal only on condition of being assured of the cooperation of China. Assurances of the cooperation of China are given in her reply to this Government, while her general policy in the matter is evidenced by the fact that regulations for the gradual suppression of the production and consumption of opium in China and orders for their enforcement have been promulgated by the Chinese Government.

Upon transmitting to the Dutch minister for foreign affairs the present inclosures [a] you will convey to him the expression of the sincere gratification of this Government at the acceptance in principle by the Netherlands of the joint opium commission and our appreciation of the friendly interest in the contemplated effort to suppress

[a] [The inclosures mentioned are the acceptances of the several governments. Not printed.]

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the opium evil in the Far East. You will also inquire whether or not the Dutch Government finds it convenient to suggest a place and time of meeting of the proposed commission. It is suggested that the several governments may prefer to await the selection of a place and date of meeting before proceeding to name commissioners.

I am, etc.,

ROBERT BACON.

Copy sent mutatis mutandis to the embassies and legation at:
Paris, October 14, 1907, No. 98;
Tokyo, October 14, 1907, No. 16;
Berlin, October 14, 1907, No. 727;
London, October 14, 1907, No. 534;
Peking, October 14, 1907, No. 354.

File No. 774/123–124.

The Acting Secretary of State to Minister O'Brien.

No. 17.] DEPARTMENT OF STATE,
Washington, October 16, 1907.

SIR: I have the honor to acknowledge the receipt of the embassy's No. 416, with which was inclosed copy of a note from the foreign office in which it is stated that the department of home affairs is desirous of being informed of the views of this Government as to the place of meeting and other arrangements regarding the proposed opium conference.

You may inform the Japanese Government that the United States has already requested of the various powers interested in the conference an expression of their views in this connection, and that it awaits with interest the suggestions of the Imperial Japanese Government as to the time and place of meeting of the conference.

I am, etc.,

ROBERT BACON.

File No. 774/135.

Ambassador Tower to the Secretary of State.

No. 1255.] AMERICAN EMBASSY,
Berlin, November 5, 1907.

SIR: I have the honor to acknowledge the receipt of Mr. Bacon's dispatch No. 727, of the 14th of October, 1907 (File No. 774), in regard to the correspondence which the Government of the United States has had with its diplomatic representatives at London, Paris, Berlin, Tokyo, The Hague, and Peking relating to an investigation of the opium question in the Far East.

In compliance with the instructions contained in that dispatch I have addressed this day a note to His Excellency Herr von Schön, imperial German secretary of state for foreign affairs, in which I have inclosed to him copies of the replies from the Governments of Great Britain, dated March 14, 1907; of France, dated July 3, 1907;

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of Japan, dated March 27, 1907; of the Netherlands, dated March 27 and May 11, 1907, respectively; and of China, dated July 23, 1907, which have been received by the Government of the United States to its initial inquiry made in regard to the proposal of the United States to conduct a joint and impartial investigation of the scientific and material conditions of the opium trade and the opium habit in the Far East.

Upon transmitting these inclosures to His Excellency Herr von Schön I have conveyed to him the expression of the sincere gratification of the United States Government at the acceptance in principle by Germany of the joint opium commission and our appreciation of the friendly interest in the contemplated effort to suppress the opium evil in the Far East. I have also inquired whether or not the German Government finds it convenient to suggest a place and time of meeting of the proposed commission, it being thought that the several governments may prefer to await the selection of a place and date of meeting before proceeding to name commissioners.

I have, etc.,

CHARLEMAGNE TOWER.

File No. 774/139–141.

Chargé White to the Secretary of State.

No. 340.] AMERICAN LEGATION,
The Hague, November 26, 1907.

SIR: Referring to department's instruction No. 134, of the 14th of October, 1907 (file No. 774), relating to the opium trade in the Far East, and directing that inquiry be made of the Netherlands Government whether or not it would find it convenient to suggest a place and time of meeting of the proposed commission.

I have the honor to inclose herewith a copy of the correspondence that has passed between this legation and the foreign office on the subject.

It will be observed that in the reply of the minister of foreign affairs just received, his excellency states that the Government of the Queen has no preference as to the date or place of meeting of the commission for the study of the question of opium in the Far East.

I have, etc.,

CHARLES D. WHITE.

[Inclosure 1.]

Minister Hill to the Minister for Foreign Affairs.

No. 228.] AMERICAN LEGATION,
The Hague, October 30, 1907.

SIR: In pursuance of instructions from my Government I have the honor herewith to transmit to your excellency certain inclosures—hereinafter mentioned—being replies of the Dutch, British, French, German, Japanese, and Chinese Governments to the proposal of the United States to conduct a joint and impartial investigation of the scientific and material conditions of the opium trade and opium habit in the Far East. In doing so I am further instructed to convey to you the expression of the sincere gratification of the Government of the United States at the acceptance in principle by the Netherlands Government of the joint opium commission, and of the appreciation of

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the friendly interest in the contemplated effort to suppress the opium evil in the Far East, and to inquire whether or not your excellency's Government finds it convenient to suggest a place and time of meeting of the proposed commission. It is suggested that the several governments may prefer to await the selection of a place and date of meeting before proceeding to name commissioners.

Accept, Mr. Minister, etc., DAVID J. HILL.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Chargé White.

No. 22326.] MINISTRY OF FOREIGN AFFAIRS.
The Hague, November 23, 1907.

MR. CHARGÉ D'AFFAIRES: Replying to the note of his excellency Mr. Hill, No. 288, I have the honor to notify you that the Government of the Queen has no preference as to the date or place for the reunion of the commission which shall consider the question of opium in the Far East.

Accept, etc.,

VAN TETS VAN GOUDRIAAN.

File No. 774/148–149.

Chargé Fletcher to the Secretary of State.

No. 785.] AMERICAN LEGATION,
Peking, November 28, 1907.

SIR: In general reference to the anti-opium movement in China, I have the honor to inclose a translation, in duplicate, of regulations recently issued with reference to the use of the drug by officials of the province of Chihli.

I have, etc., HENRY P. FLETCHER.

[Inclosure.—Translation.]

The following regulations have been circulated among all the Chihli officials:

1. In accordance with the permission of the last opium edict, the period for breaking off the opium habit has been extended three months. During this time all officials must watch their subordinates in the province and do their utmost to get rid of the habit.

2. All expectant military and civil officials of high and low rank must sign an undertaking to do away with the habit within the given period; otherwise no post will be given them.

3. All substantive officials or expectants unable to cure themselves of the vice within three months must vacate their posts and be sent back to their native places.

4. Those who have entirely got rid of the habit in the appointed time will be retained and take the same standing as officials who have never smoked, while any who have signed a bond and are supposed to have abandoned the habit if found to smoke secretly should be impeached by their superiors.

File No. 774/142.

Ambassador Reid to the Secretary of State.

No. 493.] AMERICAN EMBASSY,
London, November 30, 1907.

SIR: With reference to your instruction No. 534, of October 14, 1907 (File No. 774), I have the honor to inform you that I am in

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receipt of a note from the foreign office, under date of the 27th instant, in which Sir Edward Grey states that His Majesty's Government have learned with pleasure that the governments concerned, on accepting the proposal for an international conference to investigate the opium trade, in principle have expressed a preference for a joint commission, and that His Majesty's Government would be glad to receive more precise information as to the proposed procedure of the commission. The time and place of meeting they prefer to leave to the initiative of our Government as the originators of the proposal.

I have, etc.,

WHITELAW REID.

File No. 774/150–152.

Chargé Fletcher to the Secretary of State.

No. 795.] AMERICAN LEGATION,
Peking, December 14, 1907.

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 354, of October 14, 1907 (File No. 774), inclosing copies of the replies of the various governments to the proposal of the Government of the United States to conduct a joint and impartial investigation of the scientific and material conditions of the opium trade and opium habit in the Far East, for transmission to the Chinese foreign office, and directing me to inquire whether or not the Chinese Government finds it convenient to suggest a place and time of meeting of the proposed commission.

I inclose copy of my note to the foreign office and of their reply received to-day informing me that Mr. Liu Yü-lin, Chinese consul-general in South Africa, has been transferred to Peking for the purpose of taking up this question, and they will communicate with me further as to the time and place of meeting of the commission after his arrival at Peking.

Mr. Liu is at present in Macao in attendance upon his father, who is ill, and his departure for Peking is dependent upon the state of his parent's health.

I shall advise the department by telegraph of the suggested time and place of meeting when the reply of the foreign office shall have been received.

The choice of Mr. Liu in this connection seems to be a good one. He was educated at Amherst, returned to China in the late eighties, has the rank of expectant taot'ai, and was, before his appointment to South Africa, connected with the imperial telegraph administration. He speaks English exceedingly well.

I took occasion when calling at the foreign office yesterday to refer to this subject and to express the hope that the matter might not be unduly delayed, and was assured that it would not be.

I have, etc.,

HENRY P. FLETCHER.

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[Inclosure 1.]

Chargé Fletcher to the Minister for Foreign Affairs.

No. 331.] AMERICAN LEGATION,
Peking, November 28, 1907.

YOUR IMPERIAL HIGHNESS: Referring to your imperial highness's note to Mr. Rockhill of July 23 last, and to the previous correspondence which has passed between your imperial highness's board and this legation on the subject of the appointment by the powers interested of a commission to conduct a joint and impartial investigation of the scientific and material conditions of the opium trade and opium habit in the Far East which affect the possessions and direct interests of those powers in this part of the world, I have the honor to inclose copies of the replies made by the various governments concerned to the inquiries of my Government on this subject.

Your imperial highness will note in this correspondence that all the various governments accepted the proposal of my Government relating to this investigation in principle, and expressed a preference for a joint commission, and that in one instance the reservation was made that the inquiry cover the production of opium in China, as well as its importation, and that several of the governments concerned accepted the proposal only on condition of being assured of the cooperation of China. Of this cooperation my Government has been assured by your highness's note of July 23 last, and I am directed to convey to your imperial highness the expression of the sincere gratification of my Government at the acceptance in principle by your highness's board of the joint opium commission, and of its appreciation of China's friendly interest in the contemplated effort to suppress the opium evil in the Far East.

It has been suggested that the several governments may prefer to await the selection of a place and date of meeting before proceeding to name commissioners, and I have the honor to inquire of your imperial highness whether or not the Chinese Government finds it convenient to suggest a time and place of meeting of the proposed commission.

Trusting that I may be favored with an early reply, I avail, etc.,

HENRY P. FLETCHER.

[Inclosure 2.—Translation.]

The Prince of Ch'ing to Chargé Fletcher.

FOREIGN OFFICE,
Peking, December 13, 1907.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of November 28, 1907, with regard to a joint investigation of the opium question, in which were inclosed copies (with translations in Chinese) of replies made by the various governments concerned to the inquiries of your Government on the subject.

In this letter you state that I will note from the correspondence that all the various governments accepted the proposal of your Government relating to the investigation in principle, and expressed a preference for a joint commission; that in one instance the reservation was made that the inquiry cover the production of opium in China, as well as its importation; and that several of the governments concerned accepted the proposal only on condition of being assured of the cooperation of China. Having been assured of China's assent in principle to the proposal, by my note of July 23, 1907, your Government now directed you to express its sincere gratification therefor, and its appreciation of China's friendly interest in the contemplated effort to suppress the opium evil in the Far East. In addition to this, moreover, you had been directed to state that it has been suggested that the several governments might prefer to await the selection of a place and date of meeting before proceeding to name commissioners, and to inquire, therefore, whether or not the Chinese Government found it convenient to suggest a time and place of meeting of the proposed commission.

In reply, I now have the honor to state that my board has transferred Mr. Liu Yü-lin, Chinese consul-general in South Africa, to Peking for the purpose

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of taking up this question. As to the time and place of meeting, we will communicate further with you upon this subject as soon as the above-mentioned official has arrived in the capital.

It becomes my duty in the meantime, however, to send this reply to your excellency's note.

A necessary dispatch.

[SEAL OF THE WAIWU PU.]

PAYMENT OF THE CHINESE INDEMNITY—RETURN BY THE UNITED STATES OF A PORTION OF ITS ALLOTMENT.

(Continued from Foreign Relations, 1906, pp. 273, et seq.)

File No. 2413/58 A.

The Secretary of State to the Chinese Minister.

DEPARTMENT OF STATE,
Washington, June 15, 1907.

SIR: After the rescue of the foreign legations in Peking during the Boxer troubles of 1900, the note of the powers to China prescribing the conditions upon which the occupation of Peking and the Province of Chihli would be ended, dated December 22, 1900, required in its sixth article the payment of "equitable indemnities for governments, societies, companies, and private individuals, as well as for Chinese who have suffered during the late events in person or in property in consequence of their being in the service of foreigners."

The final protocol under which the troops were withdrawn, signed at Peking, September 7, 1901, fixed the amount of this indemnity at $450,000,000 Haikwan taels, equivalent in round numbers to $333,000,000 United States gold. China agreed to pay this sum, with interest at 4 per cent per annum, by installments running through a period of thirty-nine years.

The share of this indemnity allotted to the United States was $24,440,778.81, and on account of the principal and interest of that sum China has paid to the United States, down to and including the 1st day of June, 1907, the sum of $6,010,931.91.

It was from the first the intention of this Government at the proper time, when all claims should have been presented and all expenses should have been ascertained as fully as possible, to revise the estimate and account against which these payments were to be made, and, as proof of sincere friendship for China, to voluntarily release that country from its legal liability for all payments in excess of the sum which should prove to be necessary for actual indemnity to the United States and its citizens.

Such a revision has now been made by the different executive departments concerned, and I am authorized by the President to say that, in pursuance of that revision, at the next session of the Congress he will ask for authority to reform the agreement with China under which the indemnity is fixed by remitting and canceling the obligation of China for the payment of all that part of the stipulated indemnity which is in excess of the sum of $11,655,492.69 and interst at the stipulated rate.

Accept, Mr. Minister, etc., ELIHU ROOT.

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File No. 2413/50.

The Chinese Minister to the Secretary of State.

IMPERIAL CHINESE LEGATION,
Washington, June 17, 1907.

SIR: I have the honor to acknowledge the receipt of your valued note of the 15th instant, in which, by authority of the President, you inform me, with reference to the revision made by the different executive departments of your Government concerned, of the estimate and account against which the payments on account of the indemnity allotted to the United States by the protocol signed at Peking, September 7, 1901, have been made and are to be made by China, that, in pursuance of that revision, the President, at the next session of the Congress, will ask for authority to reform the agreement with China under which the indemnity is fixed, by remitting and canceling the obligation of China for the payment of all that part of the stipulated indemnity which is in excess of the sum of $11,655,492.69 and interest at the stipulated rate of 4 per cent per annum.

I have lost no time in communicating by cable to my Government the welcome information with the request that it be laid immediately before the Emperor.

I take this first opportunity to express to you the grateful thanks of my Government for this signal act of generosity shown by the United States toward China, which can not fail to bind the two countries into closer and more friendly relations, and which affords another conspicuous proof of the high sense of justice that has always actuated the Government of the United States in its intercourse with China.

Accept, etc., CHENTUNG LIANG-CHENG.

File No. 2413/63–64.

The Acting Secretary of State to Minister Rockhill.

No. 324.] DEPARTMENT OF STATE,
Washington, July 2, 1907.

SIR: Referring to instruction No. 317, of the 18th ultimo,[a] I inclose herewith, for your information and the legation's files, a copy of the translation of a telegram dated the 24th ultimo, from the Waiwu Pu to the Chinese minister, expressing the thanks of the Emperor for the President's expression of his purpose to ask Congress for authority to reform the agreement with China respecting the indemnity.

The telegram was handed to the President personally by the Chinese minister on the 27th ultimo.

I am, etc., ROBERT BACON.

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[a] Not printed.

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[Inclosure.—Telegram.]

The Wai-wu Pu to the Chinese Minister.

[Translation.]

PEKING, *June 24, 1907.*

Your telegraphic report on the remission of the indemnity having been laid before the Emperor, you are commanded to convey to the President of the United States His Majesty's warm thanks for this noble exhibition of his friendship toward China, which is deeply and gratefully appreciated, by having alone taken the lead in a matter of international justice.

PROTECTION OF FOREIGN MISSIONS IN CHINA.

File No. 9864/–1.

Chargé Fletcher to the Secretary of State.

No. 751.] AMERICAN LEGATION,
Peking, October 4, 1907.

SIR: I have the honor to inclose herewith a translation of an edict issued on the 1st instant on the subject of the protection of missions in China, which, after mentioning that attacks upon and injuries to missionaries and mission property have occurred in every province, directs the viceroys and governors of the provinces to have all the clauses of the treaties which concern missions printed and circulated among their subordinates, so that they may be energetically explained to the people and observed by the officials. The edict calls upon all Chinese subjects, converts and nonconverts alike, to observe the laws, and prescribes that justice be meted out to all classes without discrimination.

I have, etc., HENRY P. FLETCHER.

[Inclosure.—Translation.]

Imperial edict (October 1, 1907)—Protection of missions.

An edict for the protection of missions in accordance with treaty provisions. It is the duty of all local officials to protect missionaries wherever found in China, in respect to their persons, lives, money, and property.

In the last two or three years there have been cases in every province of the burning of the buildings belonging to missionary societies. No locality has been able to keep away from doing injury to missionaries. We are greatly grieved at this. We are pushing inquiries as to the cause. A large part of the disagreement arising between the missionary societies and the common people is caused by the crookedness of the Yamen underlings.

In times past treaties have been concluded in which it is clearly stipulated that missionaries shall do their duty in preaching their doctrines. Those who practice these doctrines should not be oppressively treated nor obstructed. If, however, there arises any question coming under the jurisdiction of Chinese law, the local officials must conform to said law in that which they do. The necessary distinctions are clearly drawn.

Let the viceroys and governors of all the Provinces have printed all the clauses of the treaties concerned with missions and circulate them among their subordinates, to the end that they may be energetically explained to the people and observed by the officials.

The missionaries, on the other hand, must likewise observe treaty stipulations. The people, whether in or out of the mission societies, are alike our children and are all amenable to the country's law. So far as infraction of the laws and lawsuits are concerned all the people are on an equality. They should on no account be treated with any discrimination. Thus the laws will be respected.

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Let it be known forthwith to the common people and to the members of the societies that the relations of each to the other must, according to their duty, be just; the officials and their underlings must be upright in their jurisdiction. Let the people and the members of the societies of their own accord make an end of their mutual anger and jealousy. For there are certain rowdies who deceitfully stir up trouble with false reports. Continual guard should be taken against these occurrences and on signs of their appearance they should be prevented.

If the local officials do not understand the treaty provisions, or if they are negligent or unjust in their administration, or if they are pusillanimous and backward in their actions, then gradually serious trouble will arise. In that case these officials will be sought out and condignly punished. This decree is for their warning.

Respect this.

File No. 9864/5–7.

Chargé Fletcher to the Secretary of State.

No. 771.] AMERICAN LEGATION,
Peking, October 31, 1907.

SIR: I have the honor to inclose herewith a printed copy of two memorials[a] to the Chinese Government, prepared by the Centenary Missionary Conference which assembled at Shanghai in May, 1907, and to report that at the request of the conference they have been submitted to the foreign office in a joint note, copy inclosed, signed by the ministers of Great Britain and Germany and myself.

The memorials explain at some length the teachings of the Christian religion, the object of Christian missions, the nonpolitical character of their teachings, and ask for complete religious liberty in China. The Chinese text of the memorials was prepared by Dr. W. A. P. Martin.

I have, etc., HENRY P. FLETCHER.

[Inclosure.]

Joint note of Sir John Jordan, Count Rex and Mr. Fletcher to the foreign office.

PEKING, *October 23, 1907.*

YOUR HIGHNESS: The undersigned ministers of Great Britain and Germany, and the chargé d'affaires of America, having been requested by the China Centenary Missionary Conference to bring to the notice of the Chinese Government two memorials setting forth the object of Christian missions and asking for complete religious liberty for all Chinese Christians, now have the honor to transmit to your highness these documents, and to request that they may be submitted to the Throne.

Your highness' board is doubtless aware that the conference from which these memorials emanate met at Shanghai in May of this year and was attended by Protestant missionaries from all parts of China. The representations which they have made in the two documents inclosed are intended in the first place to demonstrate the nonpolitical character of their teaching, and in the second to urge upon the Chinese Government the importance of granting complete religious liberty to all its subjects. If your highness will be good enough to carefully peruse the arguments of the memoralists we venture to think that your highness will be prepared to support their request, and to ask for the issuance of a decree in the sense suggested.

We avail ourselves, etc.,

SIR JOHN JORDON,
GRAF REX.
HENRY P. FLETCHER.

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[a] Not printed.

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GOVERNMENTAL AND EDUCATIONAL REFORMS IN CHINA.

(See Foreign Relations, 1906, pp. 341 et seq.)

File No. 1787/4–5.

Minister Rockhill to the Secretary of State.

No. 593.] AMERICAN LEGATION,
Peking, April 24, 1907.

SIR: I have the honor to transmit herewith in translation a copy of an imperial edict which was issued on the 20th instant, referring to the present administration of the three Manchurian Provinces of the Empire, over which a viceroy is appointed.

The official chosen for the post of viceroy is Hsü Shih-ch'ang, the present president of the Mincheng Pu (home office), a young, progressive, and deservedly popular official, who previously served for many years under the Viceroy Yüan Shih-k'ai, to whom he is naturally greatly attached. He was a few months ago sent with Ch'ên Beileh, the son of Prince Ch'ing, as one of the high commissioners to Manchuria to investigate conditions there, and to devise means for the reorganization of these provinces.

T'ang Shao-i, the first governor of the Province of Sheng-ching (Mukden) is well known to you. The office to which he is appointed is scarcely a promotion for him, but his friends are of opinion that after the harsh rebuke he received from the Throne a few months ago, it is best for him that he should leave the capital for a while.

Of the new governors of Kirin and Hei-lung-chiang I know but little; the former is provincial judge of Kiang-su, the latter police commissioner of Tientsin and high in the confidence of Viceroy Yüan Shih-k'ai.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

Imperial edict reorganizing Manchuria.

The following imperial edict was issued to-day, April 20, 1907:

The government of the three eastern Provinces (Manchuria) has become antiquated, and the condition of the people is one of poverty. It becomes urgently necessary, therefore, to conscientiously undertake a thorough reorganization of these provinces to get rid of long-standing abuses, and to define the responsibility of officials.

The tartar-generalship of Shengking is hereby changed to the viceroyship of the three Manchurian Provinces, and to this post are added the functions of the tartar-generals of these three provinces. The incumbent of the post will have an office in each of the three provinces and reside in each of them in turn.

The post of governor is created in each of these three provinces, Feng-t'ien (Mukden), Kirin, and Hei-lung-chiang, to assist in the administration of the government.

Hsü Shih-ch'ang is hereby appointed to the post of viceroy of the three Manchurian Provinces with the added powers of tartar-general of the three provinces, and is also made a high commissioner of the Imperial Government.

Tong Shao-i is appointed governor of Feng-t'ien (i. e., Mukden), Chu Chia-pao acting governor of Kirin, and Tuan Chih-kuei is given the rank of a provincial treasurer, and made acting governor of Hei-lung-chiang (Amur).

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The said viceroy and governors, having thus been placed in charge of these important Provinces, ought to exercise great care in all their planning and in the exercise of their functions, disregarding the importunities of friends and unmindful of enmities and hardships, giving thorough consideration to all their duties and taking them up in orderly succession, so that thus they may fulfill the trust confided to them. As to the additional offices which may need to be created, let the aforesaid viceroy and governors take the matter into consideration and report to us.

File No. 1787/19–20.

Minister Rockhill to the Secretary of State.

No. 670.] AMERICAN LEGATION,
Peking, July 18, 1907.

SIR: In continuation of my dispatch No. 593 of April 24 last, in which I transmitted to you a translation of a scheme of provincial administrative reform, I now have the honor to inclose copies of two imperial edicts published on the 7th and 8th of this month. The first makes certain administrative changes in the three Manchurian provinces, in Chihli, and in Kiangsu, the same to be made in the other provinces of the Empire as soon as they have been tried and found successful.

The second edict is the first step taken toward associating the people in the government of the State, the first move on the way to constitutional or, rather, representative government. It calls on the people to cooperate with the Throne in planning for the future government of the State and allows them to submit their views in writing, through certain stated official channels, to the Throne.

The practical result of this well-meant measure will, I fear, be small. The court of censors and the superior local authorities through which these memorials are to pass will, I fancy, exercise in their plenitude their right to censorship and editorship and will leave little in them that will help the Throne to get a better view than it has of the wishes and aspirations of the people.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.—Translation.]

Imperial edicts re Administrative reforms in the provinces.

An imperial edict has this day (July 7, 1907) been received as follows:

Her Imperial Majesty, Tzu Hsi, etc., etc., has issued a decree saying that in response to her previous exhortations urging our high governmental officials, princes, and ministers to proceed with the arrangement and settlement of the provincial administrations and after proper deliberation to prepare a memorial on the subject, she has now received such a memorial from I-K'uang, prince of Ch'ing et al., proposing that the title of the provincial judge be changed from "An-ch'ah-shih" to "T'i-fa-shih;" that two new kinds of Taotai be created, one to have charge of police affairs and one to have supervision over the encouragement of industries; that the offices of "Fen-hsun"[a] and "Fen-shou"[b] Taotai be abolished, but that the office of "Ping-pei-Taotai"[c] be retained;

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[a] The "Fen-hsun" Taotai is a territorial intendant of a circuit.

[b] The "Fen-shou" Taotai has administrative control over several districts.

[c] The "Ping-pei Taotai" exercises a certain control over the forces within his jurisdiction.

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that provincial courts be established; and that additions and changes be made in assistants and subordinates, all of which various articles ought to be put into operation in proper sequence.

Let the plan be tried first in the three eastern provinces (Manchuria). If it shall prove unsuited to the conditions in any one province, then the viceroy and governor concerned should consider the facts and prepare a memorial with regard thereto asking for permission to institute the needed changes.

In addition, since the people in the provinces of Chihli and Kiangsu are somewhat acquainted with the plan, certain places should be selected in these provinces where the plan may be put into experimental operation. Then, as soon as good results are seen, the system may be extended. In the other provinces the various viceroys and governors should examine the existing conditions and should request permission from the Throne to adopt and extend the system year by year and place by place, and at the end of fifteen years' time the whole country must be prepared for a uniform administration along these lines.

As to detailed rules limiting administrative authority, the various boards and yamens concerned must take these matters into consideration, so that satisfactory and uniform plans may be decided upon and presented to the Throne in orderly fashion for promulgation. Should there appear anything not entirely satisfactory, changes may be made from time to time until a first-rate system shall have been developed.

Just at present, when these reforms are first being tried, the personnel of our officials and methods of administration that are adopted are both of the highest importance. A little want of caution may result in the outcropping of hundreds of abuses. The various viceroys and governors must rigorously direct their subordinates to exert all their energies in this matter, and to apply themselves vigorously to secure practical ends, and to get rid of indulgence in wordy documents. In a word, we hope that by fitting the administration to the conditions the Government and the people may come to be of the same accord, and that the Emperor and the subject may enjoy equal happiness. Then surely may we make preparations for the establishment of a constitutional government. Respect this.

File No. 1787/22–24.

Minister Rockhill to the Secretary of State.

No. 674.] AMERICAN LEGATION,
Peking, July 24, 1907.

SIR: In my dispatch No. 670 of the 18th instant, I had the honor to transmit to you a copy of an imperial edict of the 7th of July making administrative changes in the three Manchurian provinces. I transmit herewith a copy of the memorial on the reorganization of the provincial government of China, together with the regulations mentioned therein, submitted to their majesties by the Prince of Ch'ing and Grand Counselor Sun Chia-nai, which was the basis for the edict of the 7th and makes clear its purpose and scope.

The memorial of the Prince of Ch'ing is worthy of careful perusal. It is a thoughtful, statesmanlike document. It shows that the Government's schemes of reform are maturing and taking shape and that they are being carefully planned to give a fair share to popular representation, while greatly strengthening and centralizing the control and power of the State over the provinces.

The recommendation of the prince concerning the establishment of an independent judiciary (p. 4) is particularly interesting; he hopes that its adoption may result in enabling China to recover jurisdiction over foreign residents.

The original draft of the present regulations, which were submitted by Duke Tsai Tse to Prince Ch'ing, was sent you by the legation in its dispatch No. 592 of March 28 last.

I have, etc.,

W. W. ROCKHILL.

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[Inclosure.—Translation.]

Memorial on the Reorganization of the Provincial Governments of China by Prince of Ch'ing and H. E. Sun Chia-nai.

[From the Peking Gazette of July 10, 1907.]

In compliance with the imperial decree, directing the commissions on reorganization of the Government to continue their labors by taking up the question of the reorganization of the provincial governments, we, Your Imperial Majesties' ministers, submit the following memorial, for which we pray Your Majesties' approval:

Your ministers humbly represent that last year, after submitting a report recommending certain reforms in the central government at Peking, the adoption of which Your Imperial Majesties were pleased to sanction by imperial edict, we received a further decree, directing us to draw up regulations for the reorganization of the provincial governments, as a continuation of the work begun, and saying that the governments of the departments and districts were of especial importance and that the introduction all at once of local self-government would be difficult at present, that the method of dealing with the question should be considered beforehand, that the posts of assistants in the various yamens should perhaps be added to or changed, and that the authority of judicial and administrative officers should be clearly defined, and Your Imperial Majesties further ordered us to consult with the viceroys and governors in the provinces, and agree upon a plan of action.

This edict of Your Imperial Majesties, showing such far-reaching purposes in behalf of the people, was perused with profound gratitude, and immediately after its issue Duke Tsai-tse and those associated with him in drafting a plan of government reorganization consulted together, drew up a scheme and submitted it by telegraph to the viceroys and governors of the various provinces, and their replies have come to Peking by telegraph at various times during the past several months, some expressing a desire to assist in introducing the proposed reforms, and others advising a postponement of such changes, each according to his own opinion. These several opinions have already been copied and submitted in a report for the perusal of Your Majesties. We, your ministers, having now received the draft plan, the result of the deliberations of Duke Tsai-tse and those associated with him, beg to offer the following observations regarding it:

The vast extent of territory embraced in the twenty-two provinces of the Chinese Empire and the troublesome character of the people make it impossible to compare it with the various foreign countries, east or west. An examination of the system of government heretofore existing, with its higher and lower officials mutually supporting each other, shows that it is no longer entirely suited to the times, since the introduction of new political methods during the past few years has imposed responsibilities for which the old system made no provision. Furthermore, it is to be remembered that the most important consideration in the present reorganization of the government is that of laying a foundation for constitutional government.[a] Therefore, the old offices of provincial commissioners, Taot'ais and those above them, not being suited to the conditions of (our intercourse with) foreign countries, there can be no objection to a modification of them to make them better fitted for the times. For the enforcement of the law, it is necessary to rely upon the various prefects, department magistrates, subprefects, and district magistrates, all of whom are in close touch with the people. It is in these subdivisions of the provinces that the first efforts toward constitutional government must be made. Together they make up the Empire and together their magistrates govern the people. If the latter be given a voice in the Government, although at first they may not show themselves entirely suited to the task, their administration of the Government must at any rate be free from the least show of partiality.

We are told in the imperial edicts regarding the reorganization of the Government that the high court of justice shall have sole control of the courts of law, and it is repeatedly impressed upon us that this is a matter of extreme importance to the magistrates of the departments and districts, so that the meaning is perfectly clear and there is no room for misunderstanding.

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[a] This is the accepted translation of the phrase employed, but what is aimed at is really "representative government," as appears below.

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The scheme which your ministers have humbly to recommend is, briefly, as follows:

The offices of provincial commissioner of finance and provincial commissioner of education should remain as heretofore established. As for that of provincial judge, otherwise known as the provincial commissioner of justice, with which there has been united heretofore the control of all affairs pertaining to the courier service, it should have sole control of the judicial administration in the province and superintendence of all the various grades of courts. As for the rest, there should be established at each provincial capital one taot'aiship of police affairs, to have special control of the police administration within the province; and one taot'aiship of industries, to have special charge throughout the whole province of all affairs relating to agriculture, industries, and commerce, as well as of those connected with communications. The courier service also should now be placed under the management of this office. Besides the foregoing, the taot'aiships of the salt gabelle, grain transport, customs, and river conservancy ought to be retained, but all other taot'aiships should be entirely abolished. In regions far removed from the provincial capital, however, where the presence of an officer of more than ordinary powers is required, one, two, or three taot'aiships may be retained under the name of military taot'aiships, provided the viceroy or governor concerned shall find upon investigation of the conditions that such a measure is necessary and shall so report to the Throne requesting an edict for the establishment of such posts, preference being given in appointments thereto to those on the ground, after due consideration of all the circumstances. These are in general the changes at present proposed in the commissionerships and taot'aiships.

But, as to the present proposed reorganization of the provincial governments, the most important recommendations may be considered under two heads:

(*a*) A separate establishment of a series of courts, to serve as the basis of a department devoted solely to the administration of justice. Anciently the officers possessing judicial authority were entirely independent (of the territorial authorities). The "Shih-shih" of the three ancient dynasties,[a] and the "T'ing-yü" of the two Han dynasties,[b] both received the law of the son of heaven as the balance with which to mete out justice, and their authority not being shared with others, there was no perversion of the law.

Our own present dynasty, having retained the organization of the Mings, established two separate commissionerships, one of civil administration[c] and the other of justice, each with its own special functions, and they were kept entirely distinct; but the department and district magistrates united in their own persons the functions of both branches of the service, and thus began the reliance upon the possession of a twofold authority to enhance their influence. This fact has been seized upon by foreigners as a pretext for the removal of their nationals from the jurisdiction of our courts. If we can put an end to this confusion of offices, we shall be able naturally to arrange all in proper order, and thus the recovery of jurisdiction over foreign residents will no longer be a matter of difficulty.

As for those who fear that if the local authorities be deprived of judicial powers they will be unable to govern, they forget that the local authorities will still possess power to enforce their authority, since they are responsible for the police administration and must employ it to preserve the peace. There are others who fear that if the judges possess sole jurisdiction they may pervert the law for the accomplishment of their private ends. But they are ignorant of the fact that the law is the public law of the Empire, and how then are the judges to be allowed to turn its meaning this way or that to suit their own ends? Moreover, there is provision for inspection of the courts by those having superintendence, so that there is no occasion for any anxiety on this account. The board of law and the high court of justice having been already established, it is impossible to avoid the establishment of the several grades of inferior courts in the provinces.

(*b*) Additions to the list of assistant officials in the yamens of the local authorities or changes in such list with a view to laying the foundations of local self-government. There are many things essential to the establishment of self-government. China, in her choice of worthy officials, has always given

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[a] The Hsia, the Shang, and the Chou dynasties; 2205–255 B. C.

[b] 206 B. C.–220 A. D.

[c] This was the governorship during the Ming dynasty, but the title is now applied only to the commissioners of finance or provincial treasurer.

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the first place to those who have devoted their minds to the promotion of the welfare of the people, and an analysis of their course of action shows that it has been nothing more than to govern the people without oppression, and to be somewhat diligent in settling their lawsuits, all their energies being employed to these ends. In the reports submitted by the department and district magistrates of the modern institutions recently introduced among the people of their localities, such as schools, police, industrial enterprises, and agricultural improvements, if there has not been shown a want of conscientious investigation, there has been too much empty verbiage. The magistrates, whose duties are numerous and vexatious, have a multitude of lawsuits to hear, and the best of them, wearied with the day's work, have little leisure to give to other things. Those whose duties are light lack the funds necessary for these enterprises, and thus the introduction of reforms is made difficult. As to the assistant magistrates and subdistrict deputy magistrates, they are not allowed to hear causes, and from the beginning they have had no definite duties assigned to them. Although they are nominally said to share in the duty of preserving the peace, practically they are useless, and as a result the people are left in their misery. That the local government remains so defective is due to this original want of a perfect organization of the government.

It is now proposed that the department and district magistrates be relieved of the duty of hearing lawsuits, and that the time thus saved be entirely devoted to their administrative duties; furthermore that the various assistants be each assigned some appropriate function; and lastly that deliberative and directive councils be established, with stated times for meeting. Thus there will be provided, as the imperial edict has said, "strong safeguards against corruption." With careful consideration for the wishes of the people a large measure of success may be attained, and we shall at least escape the present evil of merely pretending to discharge the public business. Thus, too, the custom of self-government will be gradually introduced and extended. In view of these facts it becomes impossible not to change the character of the various posts established for the assistance of the provincial authorities, and to add new offices. As we consider the tendencies of the times and the clashing of opposing policies, it is still more impossible not to change our methods and get out of old ruts, if we would attain to real prosperity.

The various Provinces, however, do not have the same customs, and their people are not alike intelligent, and for this reason it is difficult to introduce reform. There is sure to be much opposition. Not only will it be difficult to secure the men of proper qualifications needed and the necessary funds, concerning both of which the viceroys and governors have expressed their anxiety, but, if the attempt be made to introduce the changes at once throughout the Empire, this will certainly lead to failure. We, Your Majesties' ministers, have carefully considered the matter many times, and it is our humble opinion that the three Manchurian Provinces, being important as the original home of the dynasty, should first set the example.[a] Besides the organization of the local governments has practically only just begun there, and it is comparatively easy, therefore, either to adopt old methods or introduce new. In submitting the present plan for the reorganization of the provincial governments, therefore, we propose to request that the scheme may first be tried in the three Manchurian Provinces. The interior districts, which are unsuited to the experiment, must of course be allowed to wait until their conditions gradually improve, but with the exception of these all parts of these Provinces should be organized, so far as possible, on the lines proposed in the accompanying regulations, and thus become patterns for the imitation of the other Provinces.

In the two Provinces of Chihli and Kiangsu intercourse with foreigners has been comparatively easy, and the new customs have already been inaugurated, and the proposed reforms should be introduced in these also as soon as convenient. The other Provinces should have the movement extended to them at different times and in different portions, the viceroys and governors concerned making investigation and deciding in what districts to introduce the changes first, and in what places to postpone action, but within fifteen years the scheme ought to be put into operation throughout the whole Empire.

We, Your Majesties' ministers, have one more request to present. At present it is because the people are not qualified that the reforms have to be introduced

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[a] There is no conflict here with Article VII, which merely exempts Manchurian Provinces from the establishment of three provincial commissionerships.

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gradually. But in some places, although the people are not qualified, they are approximately so, and it only needs that the officials shall take the lead in order to bring about the change. If, however, because the date of the introduction of the plan is postponed, they continue to follow in the old ruts, what hope will there be of ever improving the qualifications of the people? It all rests with the viceroys and governors, who should patriotically serve the State and exert themselves to endure hardship. They must extend the benefits of education everywhere, that a generation of able men may appear; in all matters they must consider the will of the people, and seek to bring rulers and people into sympathy with each other. Then those who understand the laws and statutes will be many, and there will be no judicial blunders. When the masses are right-minded, the local authorities must be able to change their attitude, and a real beginning having been made, a date may be fixed for the introduction of constitutional government, and thus to some extent the desires of Your Imperial Majesties with respect to the government will be satisfied, and the hopes of the living multitude of your subjects will be fulfilled.

These, then, are the requests of your ministers, and of all your servants in the capital and the Provinces. This plan with trembling we unitedly undertake without any appearance of slothfulness. We reverently await the decision of the Throne as to its suitability, and the imperial will as to its enforcement. Accompanying it we respectfully submit a copy of the regulations drawn up for the reorganization of the provincial governments.

Reverently presented to Their Imperial Majesties, the Empress Dowager and the Emperor, this 27th day of the fifth moon (June 7, 1907), with a prayer for the imperial instructions.

Imperial rescript: "Approved." "Edict issued separately."[a]

[Inclosure 2.—Translation.]

[From the Peking Gazette of July 10, 1907.]

Regulations for the reorganization of the provincial governments of China.[b]

I. Each viceroy, established over one or more Provinces, shall have general control of the foreign relations affecting the territory under his jurisdiction as well as of the military administration thereof, and shall have general authority over all civil and military officials in his Province. He shall also perform the duties of a governor of a Province in which his capital is situated, and shall have general charge of its administration.

II. The governor of a Province shall have general control of the civil administration of his Province, and authority over all the subordinate officers of the province, both civil and military; but he shall take no action affecting the foreign relations of the Province or its military administration without first consulting with the viceroy and receiving his instructions. In those Provinces which are not assigned to any viceroyalty the governor shall have independent control, and in the Provinces where the viceroys reside, there being no governors appointed thereto, the functions of the governorship shall be exercised by the viceroys.

III. Viceroys and governors shall be responsible to the imperial boards for the execution of all instructions communicated to them, but if, in any case, a viceroy or governor shall find it difficult to carry out such instructions, owing to the conditions existing in the Province, he may report the facts to the boards concerned and make some satisfactory arrangement in consultation with them, or he may memoralize the Throne directly, asking the imperial sanction of the measures which he proposes.

IV. Every yamen of a viceroy or governor shall have a staff of secretaries, to be divided among the various departments, who shall assist in the transaction of the public business.

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[a] Edict of July 7, 1907.

[b] A companion of these regulations with the draft of Duke Tsai-tse, sent to the department in March last, will show the changes made by Prince Ch'ing and his associates of the superior commission.

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V. The staff of a viceroy's or governor's yamen shall comprise the following officers:

(1) One confidential secretary, who shall execute the orders of the viceroy or governor in respect to confidential reports, telegrams, and dispatches, not belonging to the work of any of the regular departments of the yamen.

(2) The following departments of the yamen: (*a*) Foreign affairs; (*b*) civil service; (*c*) home affairs; (*d*) finance; (*e*) public worship; (*f*) education; (*g*) military affairs; (*h*) justice; (*i*) agriculture, industries, and commerce; (*j*) posts and communications, shall each have one secretary, who shall take charge of the affairs of the department, subject to the orders of the viceroy or governor, and attend to all the correspondence of his department. But if in any case the business of a department be light, so that so many secretaries be not required, two, but not more than three, departments may be placed in charge of one secretary.

(3) The confidential and department secretaries shall not be considered officers subject to the appointment of the Imperial Government, but may be appointed or dismissed by the viceroy or governor concerned at his own pleasure, and it shall not be necessary to have strict regard to official gradation in making assignments. An annual report must be made to the Throne, however, furnishing a complete list of the names of such officers, their titles, and the dates at which their appointments were taken up, such list to be placed on file for reference. Officers who prove themselves capable may be recommended to the Throne from time to time in reports that shall be absolutely truthful, so that such officers may afterwards be selected for promotion.

(4) All necessary assistants and clerks under the rank of confidential and department secretaries shall be selected by the viceroy or governor of the province concerned, and it shall not be necessary to report on the matter to the Throne or to the imperial boards.

(5) Regulations as to the duties of secretaries in the yamens of viceroys and governors shall be drawn up by such viceroys and governors, each for his own yamen.

VI. Each viceroy and governor shall establish in his own yamen a council, to which at fixed dates he shall summon all officials of the province of the rank of commissioner and tao'tai or under to deliberate upon all important matters of government and to determine the course of action to be taken. In matters of local interest the officials may also consult together and select just and upright members of the gentry and invite them to confer on the matter.

VII. Every Province, except the three Manchurian Provinces, shall establish the three following commissionerships: That of the treasury, that of education, and that of justice.

VIII. Each provincial treasury shall be under the direction of one commissioner of the treasury, who shall be subject to the authority of the local viceroy or governor and shall have charge of the registers of population and taxation and authority to examine (the accounts) of all the officials of the province who have territorial jurisdiction.

IX. The subordinates in each provincial treasury, such as recorders, law secretaries, assistant secretaries, archivists, keepers of the treasury, keepers of storehouses, etc., shall have their duties defined by regulations, similar to those adopted for the subordinates in the yamen of the commissioner of education, which divide them among various departments and prescribe their duties therein. The imperial board of civil office, in consultation with the imperial board of home affairs and the imperial board of finance, will make such alterations in the said regulations as may be necessary, and thus arrange a set of regulations for the subordinates of the provincial treasuries.

X. Each provincial bureau of education shall be in charge of one commissioner of education, who shall be subject to the authority of the local viceroy or governor and have control of all educational matters in the province concerned, as well as superintendence of all schools and of all educational societies.

XI. All subordinates in any provincial bureau of education shall discharge their duties in accordance with the regulations which have already been submitted to the Throne by the imperial board of education and which have received the imperial sanction.

XII. Every provincial bureau of justice shall be under the direction of one commissioner of justice, who shall have the rank of the substantive third grade and shall replace the provincial judge under the old system. He shall be subject to the authority of the local viceroy or governor and shall have charge of all matters pertaining to the administration of justice in the province. He

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shall have superintendence of all law courts and arrange for all necessary inspections (thereof). Previous to the revision of the judicial system in any Province, however, the old regulations enforced by the provincial judges shall be observed temporarily, except that the commissioner of justice shall not assume charge of the courier service, as has been done heretofore by the provincial judges.

XIII. The subordinate officers in every provincial bureau of justice, such as the secretaries, clerks, archivists, jailers, etc., as provided for the yamens of the old provincial judges, shall have their duties defined by regulations to be proposed for adoption by the board of law, which shall make such changes in the old regulations as may seem necessary. Until these old regulations are amended the (judicial) divisions of the Province shall remain as under the old system.

XIV. In addition to the three commissioners mentioned above, there shall be established in each province two taot'aiships:[a] (1) That for the promotion of industries, which shall be especially devoted to the encouragement of agriculture, industries, and commerce throughout the Province, as well as the facilitation of intercourse with other Provinces; the control of the courier service, which was the special charge of the provincial judge under the old system, shall be given instead to this taot'aiship; (2) that of police, which shall have especial control throughout the whole Province of all police matters, the preservation of the peace, the taking of the census, building regulations, and sanitation.

XV. To each of the two taot'aiships mentioned in the preceding article there shall be appointed one taot'ai in each province. As to the subordinates needed in the yamens of these two taot'ais, their classification and their duties, detailed regulations relating to the same shall be drawn up by the imperial board of agriculture, industries, and commerce, the imperial board of home affairs, and the imperial board of posts and communications.

XVI. In addition to the commissioners and taot'ais mentioned above, there shall be appointed in each province certain other commissioners and taot'ais, as the conditions of the Province may require, as follows:

(1) Commissioner of the salt gabelle; (2) taot'ai of the salt regulations, or salt and tea taot'ai; the taot'ai of the salt regulations shall have no connection as heretofore with the courier service; (3) taot'ai of the grain tax; except the grain taot'aiships of Soochow and Chekiang, which must be retained for the superintendence of the grain transport, it may be possible to abolish such taot'aiships or incorporate them with some other office; the viceroys and governors of the Provinces will take the matter into consideration and propose a plan for uniform adoption; (4) customs taot'ais; (5) river conservancy taot'ais.

XVII. The commissioners and taot'ais mentioned in preceding articles are invested with authority for the performance of the duties specified, but shall not be possessed in addition thereto of any territorial jurisdiction whatsoever. With the exception of those mentioned in preceding articles, all taot'aiships, whether those of the frontiers or those of circuits, are entirely abolished. In regions rather far distant from the provincial capital, however, it will be necessary to establish officers of comparatively high rank who can be depended upon to defend them, and in such places the taot'aiships, one, two, or even three, may be retained, to be called "ping pei tao" (taot'ais with military powers), who shall be especially charged with the direction of all affairs connected with the suppression of robbery and brigandage and the movement of troops. The viceroys and governors concerned must first investigate local conditions, however, and report the matter for the consideration of the Throne before taking action.

XVIII. All subordinate officers in the yamens of the salt commissioners, such as assistant salt comptrollers, deputy assistant salt comptroller, subassistant salt comptroller, inspectors of the salt gabelle, receivers of the salt gabelle, examiners, keepers of the treasury, keepers of the storehouses, secretaries, and clerks, and the keepers of the treasury, and keepers of the storehouses in the yamens of the taot'ais mentioned in preceding articles, may perhaps have some of their offices abolished or consolidated; the viceroys and governors concerned shall consult together and report to the Throne their recommendations in the matter. The

[a] A taot'ai is primarily an administrative officer in charge of a circuit comprising two or more prefectures. But some have military powers and others have special functions, such as control of the grain tax, collection of customs duties, etc.; hence the title is untranslatable.

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subordinates heretofore employed in the yamens of the taot'ais of the frontiers and those of the circuits must be discharged along with their chiefs, as their yamens are abolished, and the matter of their future employment will be taken into consideration.

XIX. The secretaries in the yamens of the viceroys and governors having been divided among the various departments for the transaction of the public business, the viceroys and governors shall consult together and report to the Throne plans for the abolition or consolidation of the special bureaus of various kinds now existing, taking into due consideration the amount of business transacted in them.

XX. The territory of each Province shall be divided into districts, which are of three kinds, according as the districts may be large or small and the duties of government light or heavy. These are called prefectures, independent departments, and independent subprefectures.

XXI. Each prefecture shall be governed by one prefect, who shall be subject to the authority of the viceroy or governor of the Province, and receive instructions from the commissioners of finance and education and from the taot'ais of industries and police in all matters affecting their bureaus. He shall also superintend the department and district magistrates under him and direct them in the discharge of their duties, and be charged with the executive administration in all its branches within the boundaries of his prefecture.

XXII. Each independent department shall be governed by one independent department magistrate, who shall be subject to the authority of the viceroy or governor of the Province and receive the orders of the commissioners of finance and education and the taot'ais of industries and police in all matters affecting their bureaus, respectively, and be charged with the executive administration in all its branches within the boundaries of his independent department, superintending and directing the district magistrates under him in the performance of their duties.

XXIII. All independent subprefectures, heretofore existing, which have district magistracies within their jurisdiction shall be changed into independent departments. Those which have no district magistracies within their boundaries shall be governed as heretofore by subprefects, one to each such independent subprefecture, who shall be subject to the authority of the viceroy or governor of the Province, and receive the orders of the various commissioners and taot'ais in matters relating to their respective bureaus, and he shall furthermore be charged with the executive administration in all its branches within the boundaries of the independent subprefecture governed by him.

XXIV. All prefectures are divided into districts of two classes, called departments (dependent departments) and districts.

XXV. All independent departments have their subdivisions, called districts.

XXVI. Each department (dependent) shall be governed by a department magistrate, who shall be subject to the superintendence and direction of his prefect, and each district shall be governed by a district magistrate, whose rank shall be that of the substantive sixth grade, and who shall be subject to the superintendence and direction of his prefect or independent department magistrate, as the case may be, and said department and district magistrates shall be responsible for the executive administration in all its branches within the boundaries of their departments or districts.

XXVII. The offices of subprefect and assistant subprefect, heretofore existing in the prefectures, if charged with territorial administration, shall be changed into department and district magistracies. If they are not charged with territorial administration, but with such duties as the protection of the river (banks) in Honan, or the defense of the seacoast, or protection of the grain transports in various Provinces, the viceroys and governors concerned shall select those whose duties are important and designate all such as subprefects, abolishing altogether the title of assistant subprefect, and carefully defining their duties so as to distinguish them from those of the various grades of judges, and employ them in the executive administration.

As for those officers who are not concerned with administrative duties, such as the assistants and other miscellaneous subordinates of the prefect, steps must be taken to change and arrange their relations so as to make them assistants in the prefectural administration. The viceroys and governors shall investigate the conditions and make recommendations to the Throne regarding them severally and ask authority to act.

XXVIII. Each independent department magistrate, independent subprefect, and each department and district magistrate shall be assisted in the discharge

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of their duties by a staff of officers who shall severally be assigned their respective functions as follows:

(1) One chief of police, who shall have general control within the borders of the said department, subprefecture, or district of all matters pertaining to the preservation of the peace, taking of the census, police patrol, building operations,[a] and sanitation.

(2) One superintendent of education, who shall have direction of educational affairs in the department, subprefecture, or district.

(3) One superintendent of industries, who shall be charged with the encouragement of agriculture, industries, and commerce within the department, subprefecture, or district concerned, and with the direction of matters relating to communications.

(4) One inspector of prisons, who shall have charge of all matters relating to the prisons of the department, subprefecture, or district.

(5) One accountant, who shall have charge of the collection of taxes in the department, subprefecture, or district concerned. But this officer shall not be appointed until after the salaries and expense allowances of the said department, subprefecture, or district shall have been definitely determined, the orders relating thereto issued, and the various allowances for exchange, heretofore made, entirely abolished.

The various posts of assistants and other miscellaneous offices, heretofore established in the yamens of the independent departments, independent subprefectures, departments, and districts shall all be abolished, and measures shall be taken to give other employment to those who have held them.

XXIX. If the territory of any independent department, independent subprefecture, department, or district be comparatively small or the public business light, it may not be necessary to appoint all the assistants mentioned above. In such a case two offices may be assigned to one individual, but the posts of chief of police and superintendent of education may not be held in conjunction with any other office, nor may either of these officers unite the duties of any other post with those of his own.

XXX. For the posts of the various assistants in the independent departments, independent subprefectures, departments, and districts appointments shall be made of candidates who show themselves proficient in Chinese and thoroughly qualified in other branches after examinations to be conducted by the provincial commissioners and taot'ais, who shall each conduct examination in those branches concerned with his bureau. The various assistants under the old system, provincial graduates, the five classes of senior licentiates, and graduates of intermediate schools and those of higher grade shall be eligible to the examinations, and successful candidates shall be reported to the viceroy or governor of the province concerned, to be by him appointed to office. For the posts of superintendent of education and superintendent of industries selection may be made from the local gentry and scholars, recommendations to that effect being made by the department or district magistrate, who shall make inquiry as to the standing of the candidates in popular opinion and select such as are honest, capable, and serious minded, and request for them permission to take the examinations with a view to appointment. Lists of all appointments made must be sent to the boards concerned to be placed on file for reference. Detailed regulations for the conduct of the examinations shall be drawn up by the civil service office in Peking in conjunction with the several imperial boards, and after adoption shall be put into force.

XXXI. Every independent department, independent subprefecture, and every department and district shall have its territory divided into sections, over each of which there shall be appointed a section officer, who shall be subject to the orders of the magistrate and have charge of the police in his section. The office of precinct police magistrate, heretofore existing under the old system is to be abolished, and steps will be taken to secure other employment for the incumbents.

XXXII. Every prefecture, department, subprefecture, and district shall have one sacrificial officer for the local Confucian temple. His rank shall be substantive ——— grade to secondary eighth grade, and it shall be his duty to prepare the offerings and put the temple in order for worship. He shall be subject to the authority of the local prefect or magistrate, who shall investigate the manner in which he is discharging his duties. The directors of studies under the old system may be appointed to this office if found suitable.

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[a] Includes public works.

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XXXIII. Whenever the local conditions permit, there shall be established in every prefecture, subprefecture, department, and district of a province two councils, one to be known as the deliberative council, the other as the executive council. Detailed regulations with regard to the matter shall be drawn up by the imperial board of home affairs and submitted to the Throne for approval, after which they may be put into operation throughout the provinces.

XXXIV. As local conditions may permit, there shall be established in every province a superior court of justice, and in each territorial subdivision a local court, as well as courts of first instance. The original proposal was that the last-mentioned should be called village courts, but the name being found unsuitable has been altered as above. These several courts shall have jurisdiction in all civil suits and in cases of appeal. Detailed regulations with regard to them shall be drawn up by the board of law.

File No. 1518/59–60.

Minister Rockhill to the Secretary of State.

No. 690.] AMERICAN LEGATION,
Peking, August 9, 1907.

SIR: I have the honor to forward herewith a translation of the text of the regulations recently promulgated for the municipal self-government of Tientsin, together with a synopsis of the same prepared in the legation.

The president of the board of home affairs (of China) has issued a circular order to the various high provincial authorities advising them to establish self-government bureaus for the study of local self-administration in their respective jurisdictions at once, with a view to preparation for the adoption of parliamentary representation. The Tientsin regulations are recommended as a model. The first municipal council (of Tientsin) was elected July 24 last. The experiment will be watched with great interest, as upon its success depends in large degree the cause of representative government in China.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

Synopsis of the regulations for the municipal self-government of Tientsin.

The governing body will consist of a municipal council of 30 members elected July 24 by an electoral college of 135 members, which was chosen at a primary election held on July 5, 1907.

The regulations divide the city into eight wards or voting precints and fix the suffrage qualifications. The voter must be a male citizen of Tientsin, 25 years of age, a property owner, and must be able to write his name, age, occupation, and place of residence. The disqualifications are: Conviction of crime, following an occupation which is not respectable, bankruptcy, and mental incapacity. Habitual opium smokers, yamen runners (official hangers-on), priests of the Buddhist and Taoist religions, and all leaders of a religious order are also denied the suffrage.

A member of the council must have, in addition to those of a voter, the following qualifications: He must be a graduate of a district or other high school, or the author of a treatise which has been officially approved, or the owner of property worth $2,000, or trustee of funds amounting to $5,000, or a school director, or who has had the management of other public affairs, or an official, or one who has official rank or the literary degree of Hsiu Ts'ai.

Members of the council serve without pay, and are elected for two years.

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The electoral college which selects the city council is chosen by ballot, as follows: The 4 highest names in each of the 8 wards are declared elected, and to these 32 names are added the 103 names having the highest number of votes among all the rest of the ballots. Each member of the electoral college thus chosen votes for 30 names, and the 30 highest names are declared elected city fathers.

Duties and functions of the city council are the usual ones of assessment and collection of taxes, finance, public works, sanitation, fire department, police, markets, etc. It is also charged with the establishment of subordinate self-governing bodies, such as town and village councils.

The council will hold two regular annual meetings of thirty days each, and may hold extraordinary sessions. It may be dissolved by the viceroy, in which case a new council must be elected and convened within three months.

The minutes of the meetings of the council shall be published, except when the local magistrate, the president and vice-president, and at least 10 members request otherwise.

A member of council is debarred from discussing or voting upon any matter in which he or a near relative of his is personally interested. The local magistrate may attend the meetings of the council and express his views, but may not vote. His retinue may not enter the council chamber. Visitors are not allowed. Officers and members of the council shall not be held responsible for views expressed in debate, and are free from arrest without permission of the council, except for crime committed during a meeting of the council.

The executive functions of the city government will be performed by a committee or cabinet, consisting of a president, vice-president, and eight members. The district magistrate will be ex officio president, the others will be chosen by and from the council, but must resign as councilors upon election to the cabinet. The members of the executive committee serve four years, one-half to be elected every two years; they are salaried and select their own staff and employees. Members of the gentry or natives of Tientsin who have directed educational or other public affairs—not members of or employed by the committee—may be honorary members of the cabinet, and may offer suggestions but have no vote.

The regulations prescribe in detail the various duties to be performed by the executive committee, such as the preparation of annual budgets, the management of trust funds and public charities, etc. It is provided that in case of injury or illness incurred by municipal employees in the discharge of duty free medical attendance shall be furnished and equitable compensation made to the sufferer. In case of loss of life a pension may be voted for the family.

Amendments to these regulations may be proposed to the viceroy in writing by sixteen councilors, and if afterwards passed by two-thirds vote of the council and approved by the viceroy become operative thirty days after publication by him.

File No. 1787/29–32.

Minister Rockhill to the Secretary of State.

No. 697.] AMERICAN LEGATION,
Peking, August 15, 1907.

SIR: I inclose herewith a copy of an imperial decree[a] published on the 2d instant for the encouragement of trade and industries and offering extraordinary rewards to those among the people who contribute capital for agricultural and industrial enterprises, mining and commercial undertakings. The decree also directs the ministry of agriculture, commerce, and labor to make an annual report on trade and industries for the general information.

It may be noted that, like most of the reform decrees which have appeared during the last few years, this one attributes to the supineness and inefficiency of the officials throughout the Empire the absence of any recent evidence of progress among the people along the lines laid down by the Throne.

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As a comment to the above I inclose copy of a leader published in the North China Daily News,[a] of Shanghai, and beg leave to call your attention to the latter paragraphs, which are interesting.

I also send copy in translation of another imperial decree, dated August 13, 1907, ordering that "the office for the investigation of administrative methods," created by decree of June 6, 1906, shall be henceforth designated as the "office to arrange for constitutional (i. e., representative) government," and defining its duties. The decree appears to be among the first fruits of the memorial of Yüan Shih-k'ai, presented to the Throne on August 3, and which covered this point, he contending that the office for investigating administrative methods was not accomplishing the duties for which it was created.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

Imperial edict.

[Peking Gazette, August 13, 1907.]

We have received the commands of Her Imperial Majesty the Empress Dowager Tzu-hsi, etc., as follows:

"I-l'uang, the Prince of Ch'ing, et al., have submitted a memorial to us requesting that the office for investigation of administrative methods be changed to one having special charge of questions of constitutional government, and that the duty of deliberating upon questions of administration be transferred to the grand secretariat.

"Sometime ago the office for investigation of administrative methods was established[b] with the purpose originally of dealing with the question of constitutional government and preparing the necessary laws and regulations and to generally devise plans for the more important matters of administration; but in order to define official functions more exactly it is necessary to assign special duties, and therefore the office in question is hereby changed into an office to arrange for constitutional government; and until the establishment of a national parliament the prince and ministers of the grand council will superintend and direct the proctors originally appointed to that office in carefully investigating and devising plans which, it is hoped, may be put into operation in proper sequence. The matters heretofore left to the joint deliberation of the grand councilors, grand secretaries, and other ministers advising upon questions of administration are hereby left to be dealt with by the grand secretariat."

So for the rest let it be as requested.

File No. 1518/72-73.

Minister Rockhill to the Secretary of State.

No. 742.] AMERICAN LEGATION,
Peking, September 28, 1907.

SIR: I have the honor to transmit herewith an edict of Her Imperial Majesty the Empress Dowager, published on the 20th instant, taking the first step looking to the calling of what I think may be considered as a constituent or constitutional assembly, although some doubt still exists as to the exact duties to be performed by the "Tzu Cheng Yuan." The choice of officials to preside over it is, to say

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[a] Not printed.
[b] See Imperial Edict of June 6, 1906.

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the least, curious—the prince a young, intelligent, but untried man (he was recently, you will recollect, appointed a probationer in the Grand Council, the first office of importance he has held), the other a venerable statesman of 80, who has passed all his official career in Peking, where he has held offices in most of the departments of Government.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

Imperial edict.

[From the Peking Gazette of September 20, 1907.]

We have received from Her Imperial Majesty Tzu-hsi, etc., an imperial edict as follows:

"The first thing to do in establishing a representative government is to get a consensus of opinion in the matter. Upper and lower houses of representatives are certainly essential factors in governmental administration. China can not establish such houses of representatives in a moment. We should immediately, however, establish a 'constitutional assembly' (Tzu Cheng Yuan) that a foundation may be laid for a parliament.

"Prince P'u-lun and Sun Chia-nai are hereby appointed as presidents of this body. Let the said presidents, together with the grand council, carefully deliberate upon and draw up detailed regulations for it, submitting the same for the approval of the Throne."

File No. 1518/77–80.

Minister Rockhill to the Secretary of State.

No. 745.] AMERICAN LEGATION,
Peking, September 28, 1907.

SIR: I have had frequent occasions during the last six months to refer to the great importance which the Imperial Government attaches to reconciling the Manchu and Chinese elements of the population; to bringing about perfect harmony between them, in the hope that it may thus extinguish the antidynastic agitation which is believed to be gaining ground among the Chinese, of the central and southeastern provinces especially, and which, since the bomb outrage here in 1905 and the murder of a number of officials this year, fills the court with an ever-increasing apprehension.

The privileged position of the Manchus, the preference shown them in official life, the pensions they all receive from the Throne, have long been grievances loudly but uselessly complained of by the Chinese. It was only a few years ago—in 1901—that marriage between Manchu and Chinese was first permitted; and more recently a few measures have been adopted to give some little satisfaction to the Chinese. Quite recently a number of high offices in Peking and in the provinces, heretofore held exclusively by the Manchus, have been given to Chinese, but more radical measures were felt to be imperatively necessary.

Last month an imperial edict was published directing all officials to make suggestions to the Throne looking to the more perfect amalgamation of the two peoples. Numerous memorials were promptly submitted, all of which agree upon the measures to be taken, though the means advocated for carrying them out vary. The me-

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morial by the Manchu Viceroy Tuan-fang, recently published in the public press of Tientsin, may be taken as typical. The document is of very considerable length and rather discursive. The principal points made are the following:

(1) Manchus and Chinese should be equally subject to local laws, and no preference should be shown the former in appointments in the government service.

(2) The twenty-four banner corps should be gradually done away with, two each year. The pensions they are now receiving should be capitalized for ten years and the amount paid to the men on disbandment. The capital necessary to carry out this measure should be raised from taxes on all official salaries and from contributions from the imperial privy purse.

(3) The imperial domain in Manchuria should be thrown open to settlement and facilities afforded to encourage colonization there. It is to be noted that only one-fifth of the arable land in Manchuria is now under cultivation.

Other recommendations of lesser importance, but which, if adopted, would greatly tend to efface all distinctions between the two races are:

(1) That Manchu officials in memorializing the Throne should not refer to themselves as "slaves" (nu-t'ai), as they have always done.

(2) That Manchus should, like the Chinese, have family names (hsing).

(3) That Manchus and Chinese should be enlisted without any distinction whatever in the same corps in the army.

The Throne has not deferred acting on these memorials. Yesterday an imperial edict appeared (based, I am told, on a memorial submitted by Yüan Shih-k'ai) ordering the gradual disbandment of the Manchu garrisons in the provinces, placing them on a footing of equality before the law, extinguishing the pensions now given them, and granting in lieu thereof to each bannerman a certain area of agricultural land, means of cultivating it, and also establishing among them schools for general and technical education.

The large population of Manchu bannermen in Peking, amounting probably to 100,000 at least, and which does not fall under the operation of this edict, will be dealt with in a special law which, I gather, is expected to be published before long.

The present edict is the most practical and well-balanced measure adopted by the Government since the reform programme was inaugurated. It will be hailed with delight by the Chinese, and its carrying into effect will, I hope, prove easy. I inclose herewith a synopsis of this edict and the full text will be transmitted to you at a later date.

As of possible interest I inclose also a leader from the North China Daily News[a] of the 23d instant. Whether the facts therein stated concerning the memorial said to have been submitted to the Throne by the Grand Council are correct, I am not in a position to say, but the writer is correct in considering the first and foremost question the Throne had to do with in this matter, that of the Manchu garrisons, and this, I think, has been very happily disposed of, at least on paper.

I have, etc.

W. W. ROCKHILL.

[a] Not printed.

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[Inclosure 1.—Translation.]

Imperial edict, August 10, 1907.

Our dynasty has now been in benevolent possession of this Empire for over two hundred years. In that time we have made no difference in our attitude toward Chinese and Manchus. Recently all offices of all grades, including the offices of tartar-general and lieutenant-general, have been open to both Chinese and Manchus. The country has been a witness to this justice of ours. At present we have arrived in the midst of difficulties and all classes of our officials and people should with one heart try to combat these evils. Former differences should be forgotten and the sole aim should be the protection of the country's welfare. There are now distinctions between Chinese and Manchus. Let means of removing these differences be sought by all yamens, both in the capital and throughout the provinces, and when satisfactory methods have been devised, let us be apprised of them by memorials.

[Inclosure 2.—Translation.]

Synopsis of the imperial edict of September 27, 1907.

(1) When the present dynasty was established (1644) under the name of Ta Ch'ing, Manchu garrisons were set up throughout the provinces for the purpose of preserving order therein. As a result the whole country remained peaceful and quiet year after year, and it followed that the members of these garrisons became accustomed to an easy and a lazy life, accepting their monthly stipend without having had to work therefor.

(2) The families of the Manchus in these garrisons have augmented greatly in all these years, while their incomes have remained practically the same. As a result they have come to depend to a great extent upon the charity of our successive Emperors for their means of subsistence. They have never cared to learn how to support themselves, and have neglected the four classic callings, viz, literature, agriculture, industry, and commerce. It has become our duty, therefore, to devise some means whereby they may be enabled to earn their own livelihood.

(3) We therefore direct all the viceroys, governors, tartar-generals, and lieutenant-generals to ascertain the number of such Manchus within their respective jurisdictions. Having done this, let them measure up all the land originally assigned to these garrisons for purposes of pasturage or cultivation, dividing it all up into allotments, and let them then assign to each member of such garrison as many of these allotments as he has individuals in his family, the recipient then being required to cultivate the same for his own use.

In cases where a garrison has been assigned no such land for pasturage or cultivation, or where such land is insufficient for the needs of the present members, the local officials shall, after the harvest in the fall of each year, purchase a certain amount of land in the vicinity of the garrison—say sufficient to supply one-tenth or more of the members of the garrison—adding to the whole an equal amount each year until enough land for all has been obtained.

Land allotted as above shall only be leased to the holders, and can not be afterwards sold by them. And furthermore, when such land is given to a member of a Manchu garrison, his present monthly stipend shall be stopped. The money accruing from these monthly stipends which are withheld shall be kept apart with an account therefor, and held until orders are received as to how it shall be disbursed.

(4) When a Manchu has thus been given land to cultivate he shall from that time be required to pay taxes; and he shall be subject to all local, judicial, and other authorities, being in every way exactly like the Chinese, no distinction whatever being made between the two people. In the distribution of this land it is to be remembered that some is fertile and some not; some valuable and some worth but little. For this reason the amount which shall be considered as one allotment shall be that amount of land which, considering its fertility, etc., shall be deemed sufficient for the support of one person.

In addition to the above stipulations, it is directed that efforts shall be made to establish educational and industrial institutions for the further benefit of these people. The funds required for these improvements, and also the money

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necessary to start the people in their agricultural pursuits—i. e., the money with which to purchase domestic animals, farming implements, etc.—may be taken from the fund which has accumulated from the withholding of the stipends; but this fund can be used for that purpose only upon approval by the Throne.

(5) In carrying out these measures, the viceroys, governors, tartar-generals, etc., are directed to be diligent and earnest, going thoroughly into the matter themselves and not trusting to the petty officers under them. The board of revenue is also instructed to supply the ready money that may be necessary to start this movement that there may not be the slightest delay.

The intention herein implied is to obliterate the distinction existing between the Manchus and Chinese, and to mold the people of China into a united body. The scheme herein outlined has been adopted to show the Throne's earnest desire to consider everybody upon a footing of exact equality.

Respect this.

File No. 1518/74-76.

Chargé Fletcher to the Secretary of State.

No. 750.] AMERICAN LEGATION,
Peking, October 4, 1907.

SIR: In continuation of Mr. Rockhill's No. 742 of September 28 last, I have the honor to inclose herewith translations of two imperial edicts, dated September 30, dealing with the subject of representative government, the first of which emphasizes the necessity for a higher standard of education throughout the Empire and a more general understanding of the principles of constitutional government before it can be successfully adopted.

The second calls attention to the fact that the preparations must be made for a "constitutional monarchy" as the form most suitable, and the officials and people are admonished to distinguish between this and other forms of government to avoid confusion.

I have, etc.,

HENRY P. FLETCHER.

[Inclosure 1.—Translation.]

Imperial edict, September 30, 1907.

REPRESENTATIVE GOVERNMENT.

We have this day received from Her Imperial Majesty Tzu-hsi, etc., the following edict:

"Last year we issued an edict announcing our intention to establish a representative government. Now, also, imperial commands have been issued directing an investigation of the progress being made toward the desired end, that a limit of time may be fixed upon for the accomplishment thereof. The Throne is most anxious to grant representative government, and looks forward earnestly to the time when it will be established.

"We recently issued an edict creating the Tzu Cheng Yuan, or 'constitutional assembly,' to become the foundation of a parliament. But the advantages or disadvantages of parliamentary discussion depend entirely upon the individual capacity of the representatives therein. And without universal education how is the wisdom of the masses to be developed? Unless government by the people is started locally, where are our competent men to get any training?

"The main object of education should be to foster loyalty to the Throne and love of country, and to discourage corrupt ideas. As regards the methods adopted for local government by the people, it should be made the rule to select men of ability and worth, who will earnestly work for the general good.

"Now, therefore, let the imperial board of education devise a complete and satisfactory plan for universal education, and let them compile and arrange text-books for general use throughout the Empire.

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"Furthermore, let the board of home affairs draw up regulations for local self-government and submit them to the Throne for approval. The viceroys and governors will then be instructed to choose places where these regulations shall be put into experimental operation, such localities to be gradually extended. Moreover, the said board shall from time to time make a thorough inquiry into the matter, and shall be charged with the responsibility of bringing the scheme to completion. Nor will empty words serve to discharge their responsibility in the matter. Deliberative assemblies must be developed whose high standing shall rise as time goes on. In this way it will be possible to establish a national parliament at an early date, representative government will be a reality, and our earnest hope fulfilled.

"Respect this."

[Inclosure 2.—Translation.]

Imperial edict, September 30, 1907.

REPRESENTATIVE GOVERNMENT.

We have this day received the following edict from Her Majesty Tzu-hsi, etc:

"Imperial edicts have already been issued directing that preparations be made for the establishment of a representative government, or, as originally explained, a constitutional monarchy. That is the form of government which is especially suited for China, and the officials and people throughout the Empire should most carefully distinguish between that and other forms, in order to avoid confusion. The numerous metropolitan and provincial officials are charged with the responsibility of uplifting the people, so they should be especially careful to explain this clearly to the people, that they may be sure to conform to our wishes.

"It shall be the duty, therefore, of all the presidents and vice-presidents of the boards in Peking, and of all the viceroys and governors in the provinces, to make a thorough examination of the administrative methods now in use in all foreign constitutional monarchies, and to make a careful selection of men of good reputation, who shall speak about them (to the people). The above-mentioned officials shall also lead their subordinates to make thorough comparative study of the question and instruct them to get a correct and complete knowledge both of the subject itself and the doctrine connected with it. Those who make an energetic study of the essential principles connected with this kind of administration, and who upon occasion make use of the knowledge they have gained, should be recommended by their superiors for higher positions. Those who in their study of the question can not grasp the principles of representative government should be corrected and encouraged. In that way everyone will make an effort to be enrolled among the able, and there will be a general movement toward relieving the difficulties of the time. Should a wrong start be made in some locality, the initiator thereof might by his error put the country's affairs in confusion; so strict watch must be kept to avoid any such error. We must avoid mistakes, that this movement may have a proper start.

"Let this edict be proclaimed throughout the country.

"Respect this."

File No. 1518/85–86.

Chargé Fletcher to the Secretary of State.

No. 758.] AMERICAN LEGATION,
Peking, October 12, 1907.

SIR: In continuation of Mr. Rockhill's No. 745, of September 28 last, I have the honor to inclose translation of an imperial edict, published the 9th instant, on the subject of the abolition of race distinctions as between Manchus and Chinese.

I have, etc., HENRY P. FLETCHER.

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[Inclosure.—Translation.]

Imperial edict in re the abolition of race distinctions.

[Translated from the Peking Gazette of October 9, 1907.]

We have this day received the following edict from Her Imperial Majesty Tzu-hsi, etc.:

"Etiquette and duty are affected by the influence of custom; law and justice are the embodiment of fundamental principles. Manchus and Chinese each have their own ancient customs handed down from generation to generation, such, for example, as those in connection with official life, mourning, etc. Then, too, there is a certain inequality in the severity of punishments as meted out to Manchus and Chinese. All this shows a lamentable lack of uniformity.

"Let the board of rites, therefore, cooperate with the ministers intrusted with the revision of the law and draw up a set of social rules and rules for the regulation of punishments which shall apply everywhere to Manchus and Chinese alike, except, of course, in the case of the imperial clansmen, for whom there are special and definite laws laid down. Let them present these rules upon completion to the Throne for approval, after which they will be proclaimed throughout the Empire for the universal observance of officials and people. This plan is adopted to clear the way for the general observance of similar customs by the Manchus and the Chinese.

"Respect this."

File No. 1518/92–93.

Chargé Fletcher to the Secretary of State.

No. 765.] AMERICAN LEGATION,
Peking, October 22, 1907.

SIR: In continuation of my No. 750 of the 4th instant, on the subject of representative government, I have the honor to inclose copy of an imperial edict, appearing in the Peking Gazette of the 19th instant, ordering the viceroys and governors to establish deliberative assemblies in their respective provinces. The edict marks another and very important step toward representative government.

I have, etc.,

HENRY P. FLETCHER.

[Inclosure.—Translation.]

Imperial edict in re establishment of provincial deliberative assemblies.

We have this day received the following imperial edict from Her Majesty Tzu-hsi, etc.:

A decree has already been promulgated calling for the establishment of a constitutional assembly (Tzu Chêng Yuan) in Peking, which is to be the foundation of a national parliament. But the provinces should also have some means whereby an expression of public opinion could be obtained. The people should be given an opportunity to point out and explain in what way the province is weak and in what way it is strong; they should discuss means of maintaining the public peace; and they should have some organization that would serve as a stepping stone to the imperial constitutional assembly.

Therefore it is hereby ordered that the viceroys and governors immediately establish deliberative assemblies (Tzu-i-chü) in their respective provincial capitals, selecting honest and admittedly clever officials and gentry to assist in the organization thereof. These officials and gentry selected from various places for their honesty and ability shall elect competent and efficient men to

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act as members of the deliberative assemblies; and under no circumstances shall men of evil reputation or local "bosses," who seek only their own advantage, be chosen by them.

These assemblies shall then deliberate upon all matters relating to new institutions or to changes of any kind, and it shall be the duty of the high provincial officials to take the decisions of these assemblies into consideration when acting upon any matter discussed by them. In case of matters of great importance such officials shall prepare a memorial thereon for presentation to the Throne.

In the future when members are to be elected to the imperial constitutional assembly, the members of these provincial assemblies may be chosen for seats in the national body.

When the imperial constitutional assembly finds it necessary to make an investigation or to inquire into any subject, it shall be their duty to write both to the viceroy or governor concerned directing him to order an investigation and also to the provincial assembly, asking that a report on the matter in question be made. The provincial assembly, likewise, shall communicate, in case of necessity, both with the viceroy or governor and with the imperial constitutional assembly.

Councils for deliberation shall also be established in the various prefectures, departments, and districts, and the members thereof shall be progressive men of ability. In this way our progress will be quickened, and the country will approach the point where it will have administration according to the general will of the majority of the people, and that is the result so ardently desired, so fervently prayed for, by the Throne.

File No. 1518/108.

Chargé Fletcher to the Secretary of State.

No. 799.] AMERICAN LEGATION,
Peking, December 26, 1907.

SIR: I have the honor to report that the Chi-i-soa ("deliberative assembly"), an unofficial association for the discussion of state affairs, held its first meeting under the presidency of Prince Ch'ing in the ministry for discussing government affairs on the 8th instant, when the Chekiang Railway loan, the policing of the West River in Kuangsi, the actual abolition of twenty-two Manchu garrisons in China proper, and one or two other important subjects were discussed. This body has no official standing and is rather a caucus wherein political questions, administrative reforms, etc., may be discussed by the high officials of the Empire. The following is a list of those who will take part in these meetings:

Prince Ch'ing, Shih Hsü, and Lu Ch'uan-lin, grand councilors and secretaries of state; Grand Secretary Sun Chia-nai and Lu Jun-hsiang, president of the ministry of civil appointments, Prince Ch'un, Grand Councilors of State Chang Chih-tung and Yüan Shih-k'ai, and Grand Secretary Na-t'ung; Prince Su, Jung Ch'ing, Tai Hung-chi, T'ieh Liang and Ch'ên-Pi, presidents of the ministries of education, of law, of war and posts and communications; Duke Tsai Tsê, P'u Liang, P'u T'ing, and Shou Chi, presidents of the ministries of ceremonies, of commerce, of works and agriculture and of dependencies; president of the censorate, Chang Jênfu, and Prince Pu Lun.

The principal significance of this association is its bearing upon the general question of governmental reform.

I have, etc.,

HENRY P. FLETCHER.

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REGULATIONS RESTRICTING THE IMPORTATION OF ARMS AND AMMUNITION.

File No. 4857/8–10.

Minister Rockhill to the Secretary of State.

No. 610.] AMERICAN LEGATION,
Peking, May 13, 1907.

SIR: I have the honor to inclose herewith a copy in translation of a note dated May 2, received by this legation from His Imperial Highness Prince Ch'ing, president of the Wai-wu Pu, concerning the importation into China of arms and ammunition, together with the regulations governing the same, referred to therein.

Copies of this note have been sent to the consular officers in China for their information.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

FOREIGN OFFICE,
Peking, May 2, 1907.

YOUR EXCELLENCY: I have the honor to inform your excellency that I recently received a communication from the governor of Hunan saying that the superintendent of customs at Ch'angsha had reported the receipt from Mr. Lie-t'i, commissioner of customs, of the inspector-general's proposed regulations for the importation of arms and ammunition by foreigners for their own use; he begged to state, however, that these regulations were difficult to enforce and asked that the governor communicate with my board requesting that consultation regarding this matter be held with the superintendency of customs and instructions issued for a reconsideration and revision of the said rules. The governor, realizing that this request was made with a view to regulating the use of firearms and guarding against malpractice, and also that the matter was still more important because the Yangtze region had lately been infested with thieves, requested my board to consider the matter and send him instructions.

Upon receipt of this communication, my board referred it at once to the superintendency of customs affairs for their consideration and action. On April 24 a reply was received as follows:

"The original regulations for the importation of arms and ammunition were drawn up by the customs taotai at Tientsin; they were then forwarded to us by the board of foreign affairs and by us transmitted to the inspector-general of customs to be put into operation. Now, however, it is apparent from the letter of the governor of Hunan that the regulations are unsatisfactory in certain particulars; the Yangtze region and the various seaports are infested with bad characters who have taken refuge there; and moreover it is constantly reported that both Chinese and foreigners are dealing extensively in firearms. There should be no objection then, so far as their strictness is concerned, to any protective measures adopted. The regulations drawn up by the Tientsin customs taot'ai have been annulled, and it has become our duty to draw up a new set of regulations in nine articles, and transmit the same to the various customs officials for their observance. Should we have occasion at any time to make further changes, it shall be our duty in order to give general satisfaction, to consider and deal with the matter as occasion may demand. We inclose herewith a copy of the new regulations for your information, which we request that you will send to the various foreign ministers in Peking."

In accordance with the above I have the honor to send herewith a copy of the new regulations in nine articles referred to, which your excellency is requested to note and to direct to be observed.

[SEAL OF THE WAI-WU PU.]

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[Subinclosure.]

Regulations for the importation of arms and ammunition.

[Compiled by the superintendency of customs.]

I. When any Chinese military or other official authority shall purchase arms or ammunition, the proper tartar-general, viceroy, or governor, shall make out an invoice of the goods, giving the description, number, port of entry, and destination, and shall telegraph the same to the board of military affairs. After sanctioning the importation, said board shall telegraph both to the tartar-general, viceroy, or governor, authorizing the same, and to the superintendents of customs at the ports concerned, and to the inspector-general of customs, directing that instructions be issued to the commissioners of customs concerned, to the effect that they shall examine the permit, and, if the goods therein described correspond with the shipment, permission to land the same shall be granted. The date of entry shall be recorded and sent to the military or civil authority who made the purchase, and he in turn shall forward the same to the board of military affairs for their examination.

II. Foreign merchants may import arms and ammunition as samples of war material, but it shall be the duty of the Chinese military or other official for whom the samples are intended to communicate first with the superintendent of customs concerned, asking for a permit for entry. Then, when the goods have arrived at the port and the permit has been shown to the customs authorities, the goods may be landed. But single permits may not be issued to include more than 2 pieces of any one kind of implement of war nor for more than 1,000 rounds of ammunition.

III. Foreign officials or merchants landing in China, who carry revolvers for defensive purposes, will be permitted to land 1 such firearm and not more than 200 rounds of ammunition. Upon arrival such goods must be declared to the customs official, who, after proper inspection, shall pass the same; but should any attempt at concealment be made, the article, upon discovery, shall be liable to seizure and confiscation.

IV. Foreign officials or merchants residing in China, who wish to purchase arms or ammunition for hunting purposes or for self-defense, shall, before the arrival of such goods at the port of entry, request the superintendent of customs, through their consul, to issue a permit for the landing of such goods. Then, upon the arrival thereof and presentation of the permit to the customs authorities, permission to land the goods may be granted. Such permission shall be granted but once, however, to one man, and in the case of arms for hunting purposes, not more than 1 gun and 500 rounds of ammunition will be admitted, or 1 revolver and 200 rounds of ammunition.

V. Fees will be collected for these permits according to the same rules as have been made for other hu-chao's. And should the superintendent of customs, upon examination, find that there are reasons why the permit should not be issued, he may reply to that effect to the consul. In that case any fees paid by the importer will be refunded.

VIII. (Articles VI and VII will follow.) As for any other arms and ammunition, except such as is imported for the use of Chinese military or civil authorities, the old treaty regulations will still hold and all importation shall be prohibited.

VI. By "arms imported for hunting purposes or for self-defense" is meant shotguns and short revolvers that are carried on the person. As for the others—implements of war—these must be goods sent as samples to Chinese military or other authorities, or else goods actually purchased by them. When there is clear proof of this and it has been accepted by the customs taotai, such articles may be allowed entry. But foreigners importing arms for their own use may not use this provision for purposes of delusion.

VII. When arms or ammunition are imported at any port of entry it shall be the duty of the superintendent and the commissioner of customs to record carefully the name and the nationality of the importer, the date of entry, and the number of pieces. The amount of duty and fees paid shall also be registered. A record shall be kept of all such shipments imported for the use of Chinese military and civil authorities, showing what garrison or what bureau purchased the goods, what tartar-general, viceroy, or governor issued the permit, the number of times such shipment has been imported, and the amount of each

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one. At the end of the year this record shall be sent to the authorities concerned for their verification.

IX. All arms and ammunition allowed entry under Articles II and IV shall be required to pay a duty of 5 per cent ad valorem.

File No. 4857/11-13.

Minister Rockhill to the Secretary of State.

No. 636.] AMERICAN LEGATION,
Peking, June 7, 1907.

SIR: In reference to my dispatch, No. 610, of the 13th ultimo, I have the honor to transmit herewith inclosed, for the department's information, a copy of a note addressed to this legation on the 28th of May by the Wai-wu Pu regarding alleged illegal importations of arms by foreign merchants, and a copy of my reply of this date thereto.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

No. 283.] FOREIGN OFFICE,
Peking, May 28, 1907.

YOUR EXCELLENCY: I have the honor to call your attention to the fact that of late lawless characters in the various provinces have been importing arms secretly through foreign merchants. This being without doubt a matter which might endanger the public peace, the customs authorities on several occasions, after investigation, have detained and confiscated the goods, as is required by the regulations. According to treaty stipulations import trade is prohibited in all forbidden articles, and in this class are included gunpowder, cartridges, shot, cannon, large and small arms for hunting, and all kinds of implements of war.

It becomes my duty to bring this matter to your excellency's attention and to request that you will direct the consuls at the various ports to take note of it and to investigate and prohibit all such unlawful trade. These measures must be adopted in order to prevent disturbances and to protect the public peace. The favor of a reply is requested.

A necessary dispatch.

[SEAL OF WAI-WU PU.]

[Inclosure 2.]

Minister Rockhill to the Prince of Ch'ing.

No. 261.] AMERICAN LEGATION,
Peking, June 7, 1907.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of your imperial highness's note of May 28, calling my attention to the fact that of late lawless characters have been secretly importing arms into China through foreign merchants, and in which you state that, as this is a menace to the peace of the country, and, since the importation of arms and ammunition of all kinds is prohibited by treaty, you must request that I direct the American consuls to investigate and prohibit all such unlawful trade.

In reply I have the honor to state that the enforcement of the ordinances and rules passed by China prohibiting the importation of arms, ammunition, and

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munitions of war of every kind, except at the requisition of the Chinese Government or for sale to Chinese duly authorized to purchase them, rests solely with the Imperial Government, and that the consular representatives of the United States of America in China are neither empowered nor able to investigate and prohibit such unlawful trade. As in duty bound I communicated to my Government and to the American consuls in China, for their information, the rules concerning the importation of arms, etc., which your imperial highness sent to me in your note of May 2 last. American citizens engaged in trade with China are presumed to know the treaties between our two countries and the rules and regulations governing trade. They can not plead ignorance as an excuse if they violate them; but in the present case, as I had the honor to remark, the enforcement of the prohibition of the importation of arms and ammunition must rest with the Imperial Government of China, and no responsibility can or will be assumed by the United States of America for violations thereof.

I avail myself, etc.,

W. W. ROCKHILL.

File No. 4857/8–10.

The Acting Secretary of State to Minister Rockhill.

No. 323.] DEPARTMENT OF STATE,
Washington, July 2, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 610, of May 13 last, inclosing a copy in translation of a note received by you from the Wai-wu Pu, concerning the importation of arms and ammunition into China.

As pertinent thereto, I inclose herewith a copy of recent correspondence with the Treasury Department regarding the exportation of firearms from this country to China.

I am, etc., ROBERT BACON.

[Inclosure 1.]

The Secretary of State to the Secretary of the Treasury.

DEPARTMENT OF STATE,
Washington, June 6, 1907.

SIR: The Chinese Government informs the department that there are indications of heavy importations of arms into China from the United States in violation of Chinese law, and that Government asks for such assistance as we can properly give in enabling it to detect and prevent such illegal importations.

This department will be obliged to the Treasury Department if it will obtain from the customs officers of American ports information of any shipments that take place of arms for China or for ports whence they might readily be smuggled into China, and will advise the department, in order that the information may be communicated to the Chinese minister.

I have, etc., ELIHU ROOT.

[Inclosure 2.]

The Acting Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
Washington, June 8, 1907.

SIR: In reply to your letter of the 6th instant, I have the honor to state that the proper customs officers have this day been instructed to report immediately to this department all shipments of arms to China and adjacent countries.

Respectfully,

J. H. EDWARDS.

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File No. 4857/18–21.

Chargé Fletcher to the Secretary of State.

No. 777.] AMERICAN LEGATION,
Peking, November 2, 1907.

SIR: I have the honor to transmit herewith translation of a note recently received from the foreign office, inclosing copy of the regulations governing the importation of arms and ammunition into China.

This subject has assumed added importance in the eyes of the Chinese Government since the recent assassination of Governor En Ming by a revolutionary official, and a number of seizures have been made of arms illicitly imported.

The regulations met with objection of all of the foreign representatives, and at a meeting of the diplomatic body it was decided to address a note to the foreign office on the subject, translation of which I inclose.

The regulations seem objectionable to me in the following respects:

No exception is made of arms and ammunition imported for the use of the legation guards and of the volunteer corps organized in the foreign settlements at Shanghai and Tientsin, nor of sporting rifles which visitors wishing to hunt or travel for pleasure or in the interest of science in China may wish to bring with them.

I have, etc.,

HENRY P. FLETCHER.

[Inclosure 1.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

No. 339.] FOREIGN OFFICE,
Peking, September 20, 1907.

YOUR EXCELLENCY: It is matter of record that my board has already transmitted to your excellency a copy of the regulations drawn up by the superintendency of customs governing the importation of arms and ammunition.

I have now received from the superintendency of customs a dispatch informing me that the former regulations have been altered and inclosing a copy of the revised form, with the request that I inform the ministers resident in Peking of the regulations as they stand at present. It becomes my duty, therefore, to write this dispatch acquainting your excellency with these facts and transmitting a copy of the revised regulations.

A necessary dispatch.

I avail, etc., [SEAL OF THE WAI-WU PU.]

[Subinclosure.—Translation.]

Regulations for the importation of arms and ammunition.

I. When any Chinese military or other official authority shall purchase arms or ammunition, the proper tartar-general, viceroy, or governor, shall make out an invoice of the goods, giving the description, number, port of entry, and destination, and shall telegraph the same to the board of military affairs. After sanctioning the importation said board shall telegraph both to the tartar-general, viceroy, or governor, authorizing the same, and to the superintendents of customs at the ports concerned, to the effect that they shall examine the

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permit, and if the goods therein described correspond with the shipment, permission to land the same shall be granted. The date of entry shall be reported to this superintendency, which will, in turn, forward the same to the board of military affairs, for its information.

II. Foreign merchants may import arms and ammunition as samples of war material, but it shall be the duty of the Chinese military or other official for whom the samples are intended to communicate first with the superintendent of customs concerned, asking for a permit for entry. Then, when the goods have arrived at the port, and the permit has been shown to the customs authorities, the goods may be landed. But single permits may not be issued to include more than two pieces of any one kind of implement of war, nor more than 1,000 rounds of ammunition.

III. Any respectable foreign merchant landing in China who may have among his effects a revolver for defensive purposes will be permitted to land one such firearm, and not more than 200 rounds of ammunition. Upon arrival such goods must be declared to the customs official, who after proper inspection shall pass the same; but should any attempt at concealment be made the articles, upon discovery, shall be liable to seizure and confiscation. Any merchant residing in China and wishing to purchase arms or ammunition for hunting or protective purposes only shall, before the arrival of such goods at the port of entry, request the superintendent of customs at said port, through his consul, to issue a permit for the landing of such goods. Upon the arrival thereof and presentation of the permit to the customs authorities the goods may be landed. No permit for importation, however, shall be given to cover more than one hunting gun and 500 rounds of ammunition or under, or one revolver and not more than 200 rounds of ammunition.

IV. Reputable foreign officials either coming to China or living therein may import arms for hunting or protection under the same conditions as merchants, with the difference that the restriction as to number is removed in their case. Declaration must be made of the number of firearms and amount of ammunition and the consul concerned must communicate with the superintendent of customs and obtain a landing permit. This being done the goods may be landed.

V. Should the superintendent of customs in any instance find upon examination that there were reasons why a permit should not be issued, he may reply to that effect to the consul.

VI. The firearms which it is specified may be imported by foreign merchants and officials must be either shotguns for sporting purposes or small-size revolvers intended to be carried on the person. As for the others—implements of war—these must be goods sent as samples to Chinese military or other authorities, or else goods actually purchased by them. When there is clear proof of this and it has been accepted by the customs taot'ai, such articles may be allowed entry. But foreigners importing arms for their own use may not use this provision for purposes of deceit.

VII. When arms or ammunition are imported at any port of entry it shall be the duty of the superintendent of customs and the commissioner to record carefully the name and nationality, where he is from, the date of entry, and the number of pieces. The amount of duty levied shall also be registered. A record shall be kept of all such shipments imported for the use of Chinese military and civil authorities, showing what garrison or what bureau purchased the goods, what tartar-general, viceroy, or governor issued the permit, the number of times such shipments have been made, and the amount of each one. At the end of the year this record shall be sent to this superintendency for inspection and comparison. (The commissioner of customs of each port will send his report to the inspector-general, who will forward it.)

VIII. All military firearms or ammunition not purchased by military or civil authorities shall by virtue of treaty stipulations be excluded from the country.

IX. All goods imported under clauses II, III, and IV shall pay duty at the rate of 5 per cent ad valorem.

X. If it is desired to transship at Shanghai arms imported by foreign merchants or officials for sporting or protective purposes, the consul concerned must inform the customs authorities at Shanghai, with the name of the importer and the size of the consignment. The transshipment will then be permitted. On arrival at the port of destination, the importer must, through his consul, procure a landing permit; and if this is found satisfactory the landing will be permitted.

Issued by the superintendency of customs.

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[Inclosure 2.—Translation.]

The Dean of the Diplomatic Corps to the Prince of Ch'ing.

PEKING, *October 30, 1907.*

YOUR HIGHNESS: Under date of September 2, 1907, the Waiwu Pu transmitted the text of the new regulations for the importation of arms to all the legations.

Following the receipt of the communication, all the chiefs of mission felt obliged to examine and to discuss this question among themselves, and they have charged me, in my capacity as dean of the diplomatic corps, to inform your highness that the new regulations for the importation of arms and munitions, in the form in which they have been presented, can not be accepted by the representatives of the powers in China.

Your highness has already had occasion to observe, in the various responses that up to the present have been received by the Wai-wu Pu to the first note addressed to the legations upon this same subject, dated May 2, 1907, that many objections were raised to the regulations in question to which the Wai-wu Pu has not given full consideration.

The new regulations lack clearness in their phraseology, and even contain contradictions and may give rise, in their enforcement, to difficulties and discussions which it would be preferable to avoid.

On behalf of all the chiefs of mission, I have the honor to inform your highness that the diplomatic corps is disposed to enter, through my mediation, upon the discussion with the Imperial Government of the new provisions it wishes to make for the importation of arms and munitions into China.

It is superfluous to add that all the representatives of the powers in China are animated by an earnest desire to aid the Chinese Government in its task, and that they are ready to furnish, as far as possible, all guarantees that may be desired.

Until some satisfactory agreement shall have been reached, the diplomatic corps will be obliged if your highness will have the proper authorities return to the practice which has been in constant use until the present time, and which also may serve as a basis for future discussion.

File No. 4857/18–21.

The Secretary of State to Chargé Fletcher.

No. 382.] DEPARTMENT OF STATE,
Washington, December 18, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 777, of the 2d ultimo, inclosing a copy of a note addressed to Minister Rockhill by the Chinese foreign office, with which was inclosed a copy of the new regulations governing the importation of firearms and ammunition into China. You also inclose a copy of a note from the dean of the diplomatic corps, addressed to the foreign office on the subject, and you point out wherein the regulations seem objectionable to you.

The department approves your action in joining in the protest of the foreign powers against the new regulations, on the ground that they make no exception regarding the importation of firearms for the use of the legation guards or foreign volunteer corps, nor of sporting rifles which visitors to China may wish to bring with them.

The department, however, is in sympathy with the Chinese Government in its desire to restrict at the present time as much as possible the importation of firearms which in all probability are smuggled into the Empire for revolutionary purposes.

It is to be hoped that the foreign representatives in Peking, in their refusal to accept the regulations in question, will not convey the im-

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pression that their governments are lacking in sympathy with the Chinese Government in its endeavor to prevent firearms from reaching undesirable persons.

I am, etc., E. ROOT.

STAMPING OF DEEDS FOR PROPERTY PURCHASED FOR MISSIONARY PURPOSES.

File No. 135/1.

The Acting Secretary of State to Minister Rockhill.

No. 299.] DEPARTMENT OF STATE,
Washington, May 31, 1907.

SIR: I inclose herewith a copy of a dispatch from the consul-general at Tientsin, reporting that the Wai-wu Pu has instructed all the viceroys and governors of Provinces to warn their civil and military subordinates to take note that, in accordance with treaty stipulations concluded with the powers, all descriptions of foreign missions and missionaries who desire to purchase immovable properties outside the limits of the foreign settlements at the various treaty ports, exclusively for mission purposes, must insert the characters "kung tsan," or "public property," in their title deeds, so as to prevent them from reselling such lands and houses for other uses by foreign merchants or others in China.

While the President sees no particular objection to the insertion of some reservation in title deeds to land given exclusively for missionary purposes, in accordance with Article IV of the treaty of 1903, there may be a question whether the expression mentioned in the consul-general's dispatch might not be somewhat objectionable as giving the impression that land held under such deeds was government land.

The department would be pleased to have an expression of your views in the matter.

I am, etc., ROBERT BACON.

[Inclosure.]

Consul-General Ragsdale to the Assistant Secretary of State.

No. 231.] AMERICAN CONSULATE-GENERAL,
Tientsin, April 13, 1907.

SIR: I have the honor to report that for the purpose of future reference the Wai-wu Pu has issued instructions to all the viceroys and governors of the Provinces advising them to each submit a detailed report about the exact number of foreigners residing or trading within their respective jurisdiction, including the consuls for the powers and their staffs at the various treaty ports.

The viceroys and governors have been advised to renew their reports once every three months hereafter.

Besides this, their excellencies have also been advised to warn their civil and military subordinates to take note that, in accordance with treaty stipulations concluded with the powers, all descriptions of foreign missions and missionaries who desire to purchase immovable properties outside the limits of the foreign settlements at the various treaty ports, exclusively for mission purposes, must insert the characters "kung tsan," or "public property," in their title deeds, so as to prevent them from reselling such lands and houses for other uses by foreign merchants or others in this country.

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The local officials are warned that they must take all the consequences if this order is neglected by them in the future.

This order is brought about by knowledge of the fact that some of the missions have sold, from time to time, property to foreign merchants that had been conveyed to them solely for missionary purposes.

I am, etc., JAMES W. RAGSDALE

File No. 135/2–5.

Minister Rockhill to the Secretary of State.

No. 669.] AMERICAN LEGATION,
Peking, July 18, 1907.

SIR: I have the honor to acknowledge the receipt of the department's instructions No. 299, of May 31 last (File No. 135–1), inclosing a dispatch from the American consul-general at Tientsin on the subject of the stamping of deeds for real estate, situate outside of treaty ports, purchased by missionaries, with the characters "kung ch'an," so as to prevent the alienation of such foreign-owned lands and houses for other purposes.

Under date of May 17 last, the consul-general at Hankow reported that certain property in the vicinity of Hankow had been purchased by individual American missionaries and afterwards sold by them to foreigners for purposes of summer residence, and that this had occasioned a bitter dispute with the local officials, This circumstance, in all probability, gave rise to the order of the Wai-wu Pu, mentioned in Mr. Ragsdale's dispatch. To this communication I replied, under date of May 27, that the legation saw no reason for interfering in the matter, which seemed to be one for local settlement. Since then there has been no further report.

Later the legation received a communication dated June 19, from W. B. Seabury of the Yale Mission at Changsha (copy inclosed), on the subject of the stamping of mission deeds, but with the additional feature that Changsha is an open port. Inasmuch as a similar case had been taken up by the British legation with the Wai-wu Pu for a British missionary society—located at Changsha—in which it was finally agreed that the deed should be stamped by the local authorities with characters signifying "This is mission property," I advised Mr. Seabury to allow his mission deeds to be stamped in the same manner, and that the question of the mission's right to alienate the property would be met when it arose, if it ever should arise.

As stated in my letter to Mr. Seabury, I also see no particular objection to stamping the deeds with characters indicating that the land be held for mission purposes, and the character employed, viz, "kung ch'an," may be fairly held to indicate this.

"Kung ch'an" means public *real* property, but not *government* property. Any piece of real estate owned by an organization, such as a guild, company, community, church, etc., is properly called "kung ch'an." The missionaries should have the property deeded to the missionary society or the native church, as they prefer, and the words "kung ch'an" will then be clearly understood as referring to the property of said society. The words used in the Chinese text of our last treaty are "Wei chiao hui kung ch'an"—i. e., "as the public property of the churches (church societies)" translated in the English text, "as the property of such societies" (Art. XIV). The words

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in the English text "For missionary purposes" are given in the Chinese text as "i pei ch'uan chiao chih yung," which is an excellent translation, and would be applicable to purchases for mission purposes, whether made by missionary societies or by an individual unaffiliated missionary.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Consul-General Martin to Minister Rockhill.

AMERICAN CONSULATE-GENERAL,
Hankau, May 17, 1907.

SIR: I have the honor to call your attention to a condition that exists here at present. About one year before I came here as consul-general three missionaries, American citizens of Norwegian birth, purchased in their own names a hill known as "Chi Kung Shan," located partly in Hupeh and partly in Honan, and which is near the Hankau and Peking Railway station at Sin Tien, about six hours from Hankau.

It appears that when the missionaries purchased the hill from the owners the Chinese officials knew all about it, and after looking over the title and measurement of the land stamped the deeds. The said missionaries built one or two houses thereon and lived in them. Nothing was said nor was any complaint made for a year or two. In 1906, some merchants of Hankau, finding that a cool place was so advantageously situated, went up one after another to examine it, with the result that the missionaries consented to sell them lots and give them title when said merchants could get permission from the Chinese Government to live there. Instead of waiting till the permission was obtained, they began building at once. Last summer the Chinese officials raised an objection to their building there, and as almost all nationalities represented in Hankau were interested there was a meeting of the consular body called and a resolution passed requesting Mr. E. H. Fraser, the British consul-general, to take up the matter, as the Doyen, with the Chinese officials. This he did with the viceroy, who said that as far as he was concerned arrangements might be made, but that it would have to be taken up with the Wai-wu Pu, and promised to do so.

A few months ago I received a communication from one taotai, Hsu, stating that he had been sent by the governor of Honan to see me about Chi Kung Shan. He insisted that the merchants had no right there, and I told him I was well aware of it. He then accused the missionaries of buying their land in an underhand way for the purpose of selling it at a large profit. He therefore requested that I at once command the missionaries to return the deeds and receive the original price of the land. I informed him that the missionaries purchased the land from the owners, and the Chinese official was well acquainted with the fact at the time and stamped the deeds. While the treaty says missionary societies may purchase land and build thereon, it does not bar the Chinese officials from giving the privilege to the individual missionary. If, however, they believed that the American missionaries, with their stamped deeds, were trespassing or breaking the treaty, the United States has created a superior court, which will hold session in Hankow, before which said missionaries could be tried, and if found guilty would be dealt with by the court, but that they must formulate their charge. This they declined to do, but insisted on my commanding them to get out. A few days ago a proclamation was issued forbidding any contractors or coolies to perform labor there under penalty of imprisonment. They are now demanding that all the houses shall be torn down and the land restored to the Chinese. A meeting of the consular body was held on the 15th instant, when it was decided to have Consul-General Fraser arrange, if possible, with the viceroy to take the houses at cost and to rent them at a fixed percentage. I have so far refused to acknowledge the invalidity of the missionaries' deeds, because it may jeopardize a large amount of property that in other years was deeded to the individual missionary but is used by the society of which he is a member. I fear that these missionaries bought the property on Chi Kung Shan for the purpose of a summer resort, and depended upon the consuls to get

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permission from the Chinese Government to allow nonmissionaries to live there. There is no doubt that the land was of little value and the people living about there very poor. If a resort were established there it would be a great benefit, not only to the natives who carry the loads and the farmers who grow the vegetables, but it would put thousands of taels per year in the coffers of the railway company and at the same time be a great blessing to the families located in Hankow who could not, for various reasons, go to a more distant resort. There is but one American merchant who owns property there, and I have warned him before he purchased it that he would have no redress whatever happened. The viceroy seems inclined to be reasonable in the matter, but the party who seems determined to make trouble is the governor of Honan.

I am, etc.,

WM. MARTIN.

[Inclosure 2.]

Mr. Seabury to Minister Rockhill.

THE YALE MISSION,
Changsha, Honan, June 19, 1907.

MY DEAR SIR: In view of certain differences of opinion as regards foreigners holding land in this city, we wish to write to you and secure instruction on this important question.

Having secured property within the walled city of Changsha, we find that the officials are unwilling to stamp our deeds without our inserting the two characters "kung ch'an." Believing at first that it was an imposition upon us to urge this demand we have steadily refused to comply, until we find recently considerably divergent opinions on the propriety of this course.

Believing Changsha to be an open port, it appeared to us contrary to treaty right to allow ourselves to be limited as holders of land here. Mr. Giles, the former British consul here, strengthened us in this opinion by writing: "I have at last wrung from the Chinese authorities an explicit written statement to the effect that the city is open to foreigners, whether merchants, missionaries, or others, for trading and all other lawful purposes."

Further reinforced by an interview with Mr. Coolidge, secretary of legation at Peking, and Mr. Williams, Chinese secretary, and following the advice of our consul-general at Hankow, Mr. William Martin, we have not thus far yielded. But the British minister has sent instructions to the British consul here that the two characters may be written on the deeds of British subjects. It is also acknowledged that the local officials have received instructions from their superiors in Peking to require the insertion of the expression in all deeds involving the holding of property by foreigners.

We beg to be informed as to whether we shall follow the precedent furnished by those who are having their deeds stamped with the inclusion of these characters, or whether we shall suffer our deeds to remain unstamped because we refuse to allow the expression to appear.

Very respectfully,

W. B. SEABURY.

[Inclosure 3.]

Minister Rockhill to Mr. Seabury.

No. 717.] AMERICAN LEGATION,
Peking, June 27, 1907.

SIR: Replying to your communication of the 19th instant on the subject of stamping by the Chinese authorities of deeds for land purchased by your mission at Changsha, I have the honor to inform you that this legation, after consultation with the British legation, sees no reason to object to your deeds being stamped in the same manner as was finally agreed upon in the case of the British deeds, i. e., with the words "this is mission property." If in the future it should be desirable to dispose of the property the legation will then take up the matter in your behalf, if necessary. You should see to it that your deed is stamped in the identic characters finally agreed upon to be employed in the case of the British deeds for mission property.

I am, etc.,

W. W. ROCKHILL.

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File No. 135/6–7.

Minister Rockhill to the Secretary of State.

No. 714.] AMERICAN LEGATION,
Peking, September 4, 1907.

SIR: Referring to the department's instruction No. 299, of May 31 last (file No. 135–1) and my reply thereto, No. 669, of July 18, 1907, on the subject of the Chinese characters to be used by the local authorities in stamping deeds for property purchased for missionary purposes in China, I have the honor to inclose copy of a note received from the foreign office, by which it is agreed to stamp the deeds in the manner suggested by this legation.

A copy of this note has been sent to our consuls in China for their information and guidance.

I have, etc., W. W. ROCKHILL.

[Inclosure 1.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

FOREIGN OFFICE,
Peking, August 29, 1907.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of August 27 with reference to the words (*pen ch'u*—local) in deeds to property purchased by American missionary societies. Your excellency in this note points out that the construction of the sentence in which this expression, "*pen ch'u*" appears in the regulations calls for a different reading than one which would make these words correspond with the similar expression (*ko ch'u*—all parts) in the treaty. You state that you have no objection to the use of the words "*pen ch'u*" themselves, so long as it is clear that they do not qualify or restrict the words (*chiao hui*—missionary society); that the following phrase, for example, would be quite satisfactory: (*mei-kuo mou chiao hui tsai mou chou hsien pen ch'u ti-fang yung tzu chih kung ch'an*—public property in such and such locality of such and such department or district, leased in perpetuity to the ——— American Missionary Society); and finally, that you hope instructions in accordance with the above will be sent to the various local authorities.

In reply I have the honor to state that in the expression as contained in the last dispatch of my board, viz: (*pen ch'u mei kuo chiao hui chih kung ch'an*—public property of the local missionary society), and the one contained in your excellency's reply, viz (public property in such and such locality of such and such department or district, leased in perpetuity to the ——— American Missionary Society), the idea is the same.

My board therefore agrees to the use of your expression. Further instructions will be sent accordingly to the various local authorities directing them to order their subordinates to take note and act accordingly. It also becomes my duty to send this reply for your excellency's information.

A necessary dispatch.

[SEAL OF THE WAI-WU PU.]

File No. 135/2–5.

The Acting Secretary of State to Minister Rockhill.

No. 350.] DEPARTMENT OF STATE,
Washington, September 10, 1907.

SIR: I have to acknowledge the receipt of your No. 669, of July 18, 1907, on the subject of the stamping by the Chinese authorities

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of deeds of conveyance of lands purchased in China, whether by American missionary societies or by an individual unaffiliated missionary of American nationality.

The department joins in the views suggested by the legation in the dispatch under acknowledgment and approves of your letter of June 27, 1907, to Mr. W. B. Seabury, of the Yale Mission at Changsha, Hunan, wherein you say in effect that the legation sees no reason to object to Mr. Seabury's deeds being stamped by the local authorities with characters indicating that the land is to be held for mission purposes.

The department also notes the view held by the legation that the two characters "kung ch'an" inserted in deeds of mission property will be clearly understood by the Chinese officials as indicating that the land is being held for mission purposes, and that in the event of these characters appearing on mission deeds they may be fairly held to mean "this is mission property."

I am, etc., ALVEY A. ADEE.

The Acting Secretary of State to Chargé Fletcher.

No. 355.] DEPARTMENT OF STATE,
Washington, October 23, 1907.

SIR: I have to acknowledge the receipt of Mr. Rockhill's dispatch No. 714, of the 4th ultimo, in further relation to the subject of the Chinese characters to be used by the local Chinese authorities in stamping deeds for property purchased for missionary purposes in China.

With the dispatch is inclosed a copy of the translation of a note from the Chinese foreign office, by which it is agreed to stamp the deeds in the manner suggested by the legation.

The department is glad that the more unequivocal expression has been definitely agreed upon.

I am, etc., ROBERT BACON.

SETTLEMENT OF THE LIENCHOU INDEMNITY.

(For previous correspondence see Foreign Relations, 1906, pp. 308, et seq.)

File No. 167.

Minister Rockhill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, January 5, 1907.

(Mr. Rockhill states that the American consul-general at Canton telegraphs that the Lienchou indemnity has been paid to him by the viceroy. Mr. Rockhill also states that he has directed the consul-general to remit the money directly to the Secretary of State. Mr. Rockhill hopes to sign the protocol of the settlement at an early date.)

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File No. 167/90–91.

Minister Rockhill to the Secretary of State.

No. 499.] AMERICAN LEGATION,
Peking, January 7, 1907.

SIR: In further acknowledgment of your cabled instruction of December 11 [13][a] informing me that you had reached an agreement with the Chinese minister in Washington in the matter of the indemnity for the Lienchou massacre, and instructing me to conclude the arrangement of the whole affair in the manner indicated in my dispatch No. 381 of August 28, 1906,[b] I have the honor to inform you that on December 11 I called at the Wai-wu Pu and handed His Excellency T'ang Shao-i a copy of your cablegram. He said that the foreign office had already telegraphed to the viceroy at Canton to pay to the American consul-general the indemnity agreed upon by you and Sir Chentung Liang Cheng, and that this would probably be done in a few days. He added that the delay in settling this question had been occasioned by a misunderstanding, that while the foreign office had been all the time desirous of indemnifying the families of the Lienchou victims, as ordered by the imperial edict of October 28, 1905, the Chinese minister at Washington and the Canton viceroy, misunderstanding the general statement of the missionary board that it would not receive indemnification for the killing of any of its members, had insisted that in the present case no indemnity was to be paid; hence the delay.

I then told his excellency that, with the indemnity paid, all the conditions of the settlement agreed to by the American consul-general at Canton and the viceroy would have been complied with, except the publication of the proclamation to be issued by the provincial authorities of Kuang-tung stating the settlement, and which was to be submitted to this legation as provided for in the draft agreement I had handed to the Wai-wu Pu in August, 1906. (See my No. 381 of August 28, 1906.) We could then sign the final protocol of settlement, or agreement, and the whole matter would be finally disposed of.

He at first raised some slight objections to the signing by the Wai-wu Pu of a general agreement on the subject, contending that the local settlement by the viceroy and the consul-general was sufficient. To this I replied that the mode of settlement you had approved and authorized me to make was in strict accordance with that followed a few months ago by the Wai-wu Pu in the settlement made with the British and French ministers for the Nanch'ang Fu riots, and that he had raised no objection to it when I had previously submitted it to him. He then said that he thought the matter could be arranged as you desired, and that he would take the orders of the Prince of Ch'ing.

On the 18th of December I telegraphed our consul-general at Canton as follows:

AMERICAN CONSUL, *Canton:*

Foreign office has informed me have directed Canton viceroy pay you $25,000 in gold to indemnify Americans killed Lienchou. Secretary of State has informed me has agreed to accept. You will receive it, therefore, at the rate of

[a] See Foreign Relations, 1906, p. 324.
[b] See Foreign Relations, 1906, p. 321.

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exchange on New York on the date of payment. Advise me when paid, for further instructions. Final agreement covering the settlement will be signed here.

ROCKHILL.

On the 31st ultimo I received a dispatch from the consul-general informing me that the missionaries were now anxious to return to Lienchou to resume their work there, and asking me to telegraph him whether I thought they could be authorized to do so—all proper precautions being taken for their safety on the journey and after arrival at their destination. My telegraphic reply to him and the reasons for sending it appear in my dispatch to Mr. Bergholz of the 3d instant, copy of which I inclose.

On the 5th instant I received a telegram from Mr. Bergholz advising me that the indemnity had been paid to him. I at once instructed him to remit the amount directly to you, and at the same time I telegraphed of the payment having been made and that I expected shortly to sign the protocol of settlement with the Wai-wu Pu. This I have not yet done.

I confirm as follows my telegram to you of the 5th instant [a] referred to above.

I have, etc., W. W. ROCKHILL.

[Inclosure.]

Minister Rockhill to Consul-General Bergholz.

AMERICAN LEGATION, *Peking, January 3, 1907.*

SIR: I have to acknowledge the receipt of your dispatches Nos. 32 of December 12, 36 of December 18, and 37 of December 19, dealing with the question of the settlement of the Lienchou affair.

In your No. 32 you inclose copies of the texts engraved upon the two tablets erected by the local authorities of Lienchou in compliance with the arrangement reached by your predecessor with the Viceroy Ch'en, the one being the imperial edict of October 28, 1905, the other, placed in front of the cave temple in which the victims of the massacre were found by the mob, a memorial of the event, and a statement of the punishment of those guilty of the murders. You also inclose a copy of a letter from Henry V. Noyes, chairman of the executive committee of the American Presbyterian Mission, Canton, in which he says in the name of his mission that they "think the officials have faithfully carried out their agreement in regard to the Lienchou affair so far as concerns the payment for losses incurred there, and the erection of the tablets."

In his note to you of December 2 last (inclosure 3 in your No. 32) the viceroy informs you that he has ordered higher rewards than those previously offered to be made for the arrest of the culprits still at large; that the acting subprefect of Lienchou has reported his readiness to use every possible means for protecting the missionaries on their return to that place, and that on their arrival he will again post the imperial edict of October 28, 1905, in conspicuous and public places in the city and district of Lienchou.

As regards the conversion into a schoolhouse of the small temple used for *ta tsui* celebrations, the viceroy in the same note states that he has ordered the acting subprefect to devise proper means for so doing. In your dispatch No. 37 you say, in view of the subprefect's statement that he has been unable

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[a] Supra.

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to raise the funds necessary to convert the temple into a schoolhouse, that the viceroy may be induced to order the razing of the temple or its removal to some other part of the city. "The latter course," you remark, "would be as satisfactory as transforming it into a school." I had originally suggested to Mr. Lay that he should ask the razing of the temple in question, but on his stating that he thought this might be strongly objected to I agreed to only ask its conversion into a schoolhouse. I would be much pleased to see my original suggestion carried out.

It appears from the above and from previous correspondence that the Chinese authorities have now complied—so far as can be done at the present time—with the demands which your predecessor made of them, with the exception of the razing of the temple, which you believe will shortly be done. Such being the case, I see no reason why the Lienchou missionaries, who, you say in your No. 36, are "fearful of the influence their continued absence may have upon the minds of their converts and are desirous of getting speedily to work to regain the ground they may have lost and to begin the erection of their mission property," should not return to Lienchou as soon as they are ready to do so, the viceroy again undertaking to protect them adequately on the journey and after their arrival at their place of destination.

The payment by the viceroy to you of $25,000 United States gold for the surviving members of the families of those killed in October, 1905, not being an essential feature of the settlement so far as punishment of culprits, reparation for losses, guaranteeing of future protection, etc., are concerned, this payment not having yet been made, though it certainly will within a very short period, the amount having been agreed to by both Governments, need not delay the return of the missionaries to Lienchou.

The above being the present status of the settlement of this affair, I telegraphed you on the 2d instant, in reply to the request in your No. 36, as follows:

"AMERICAN CONSUL, *Canton:*

"If all conditions are complied with about Lienchou except payment of the indemnity, missionaries may return. Razing of temple is very satisfactory arrangement.

"Rockhill."

W. W. ROCKHILL.

File No. 167/81.

Minister Rockhill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, January 15, 1907.

(Mr. Rockhill states that the Chinese Government prefers that the Lienchou settlement be made by an exchange of notes. Mr. Rockhill says that he has seen the draft, which includes everything essential in draft of the agreement which he sent to the department. He advises that the matter be concluded in this way.)

File No. 167/81.

The Secretary of State to Minister Rockhill.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 15, 1907.

(Mr. Root states that the settlement of the Lienchou indemnity by an exchange of notes is approved.)

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File No. 167/94–96.

Minister Rockhill to the Secretary of State.

No. 536.] AMERICAN LEGATION,
Peking, February 15, 1907.

SIR: In accordance with your telegraphic instructions, received on January 16 last, authorizing me to agree to a final settlement of the Lienchou affair by an exchange of notes with the Wai-wu Pu, I have the honor to inclose herewith copies of the two notes in question, dated January 30 and February 1, respectively.

In my reply to His Imperial Highness Prince Ch'ing, of February 1, I have stated that my Government regards the whole case as duly settled.

I have, etc., W. W. ROCKHILL.

[Inclosure 1.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

FOREIGN OFFICE,
Peking, January 30, 1907.

YOUR EXCELLENCY: With regard to the case of the mission at Lienchou, on the 22d of September, 1906, I have received a communication from the viceroy of the Two Kuang provinces saying that on the 6th of July, 1906, the American consul-general at Canton had written him to the effect that he was authorized by his Government to ask agreement to nine articles with reference to this case, as follows:

"1. That the sum of 46,129.65 taels be paid to the American consul-general at Canton, to be handed to the Rev. Henry V. Noyes, treasurer and representative of the American Presbyterian Mission, as compensation for the loss of property at Lienchou, the said sum of 46,129.65 taels to be paid to the said American consul-general on or before the 10th day of July, 1906.

"2. That the rewards for the apprehension of those guilty of the murder of the missionaries and burning of the mission buildings be increased and continue to be offered until such persons are apprehended.

"3. That the strongest assurances be given the American Government that in the future adequate, efficient protection be guaranteed to American missionaries.

"4. That the small Chinese temple used for ta tsui celebrations, and adjacent to the men's hospital of said mission, be at once transformed into a schoolhouse.

"5. That near this schoolhouse and in a conspicuous place there be erected by the Chinese authorities a stone tablet, on which shall be engraved the edict of His Majesty the Emperor of China, issued on the 28th of October, 1905.

"6. That the said edict be also conspicuously posted in the city and district of Lienchou when the missionaries return there.

"7. That in addition to the tablet described, a memorial tablet be erected aslo by the Chinese authorities to the memory of those missionaries who lost their lives in the massacre of Lienchou, and that such tablet shall bear an inscription stating that it is erected by the Chinese authorities.

"8. That this tablet be erected near the tree in front of the cave temple, at the spot to which the missionaries were dragged from the cave and where they were tortured and killed before their bodies were thrown into the river.

"9. That the above-mentioned tablets be erected before the 10th of October next, and that should they be destroyed or defaced in any way the Chinese authorities will replace or repair them."

The said viceroy stated further that he had at once replied agreeing to the nine articles proposed by the American consul-general, and that he had directed the local authorities to take proper steps to carry out in order the required measures, viz, the proclamation of reward for the arrest of the criminals, the protection of the missionaries, the conversion of the temple into a schoolhouse, the erection of the stone tablet bearing the imperial edict, the posting of the said edict also, and the erection of the memorial tablet, and the erection of the said tablets at the locations and within the time specified; that besides this, he had already paid to the American consul-general the indemnity mentioned—namely, 46,129.65 taels—and had received a note from the American consul-general acknowledging receipt thereof.

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On the 22d of August, 1906, I had the honor to receive a memorandum from your excellency stating that the indemnity had been paid to Hon. Julius G. Lay, the American consul-general; that the unfulfilled stipulations of the nine articles must be carried out, and that if any person or persons should injure either of the tablets above mentioned such person or persons should be promptly arrested and severely punished and that the injured tablet should be repaired or replaced by the Chinese authorities without delay; that the terms of the settlement should be published in a proclamation; and that as the imperial edict of the beginning of the tenth moon (October 28, 1905) provided for an indemnity for the lives of the murdered persons, 50,000 taels must be paid to the families of such persons as such indemnity.

On the 14th of December, 1906, I received a second memorandum in which your excellency informed me that the Secretary of State had agreed with the Chinese minister in Washington that the indemnity for the lives lost should be reduced to $25,000 United States gold, in settlement of the case.

With regard to this case, the nine articles drawn up by the American consul-general were ordered by the former viceroy at Canton to be satisfactorily carried out and the indemnity for property was paid in full by him. As to the issue of a proclamation, my board has instructed the viceroy at Canton to again issue a proclamation reciting the terms of the settlement of the case. With regard to the requirement of Article IV that the temple used for ta tsui ceremonies should be converted into a schoolhouse, it has been decided by the viceroy of the Two Kuangs and the American consul-general that the temple shall be razed instead. Article IV should be changed accordingly. As to indemnity for the lives of the murdered missionaries, as the imperial edict commanded that such indemnity should be paid, my board has telegraphed the viceroy at Canton authorizing him to pay $25,000 United States gold, in accordance with the statement of your excellency, and has received a reply stating that the amount has been paid.

This case, therefore, should be considered settled.

It becomes my duty, therefore, to send this dispatch to your excellency for your consideration that the case may be closed. I trust that your excellency will favor me with an early reply.

A necessary dispatch. [SEAL OF THE WAI-WU PU.]

[Inclosure 2.]

Minister Rockhill to the Prince of Ch'ing.

AMERICAN LEGATION,
Peking, February 1, 1907.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of your imperial highness's note of January 30, 1907, in which your imperial highness states:

"With regard to the case of the mission at Lienchou, on the 22d of September, 1906, I received a communication from the viceroy of the Two Kuang provinces, saying that on the 6th of July, 1906, the American consul-general at Canton had written him to the effect that he was authorized by his Government to ask agreement to nine articles with reference to his case, as follows:

"'1. That the sum of 46,129.65 taels be paid to the American consul-general at Canton, to be handed to the Rev. Henry W. Noyes, treasurer and representative of the American Presbyterian Mission, as compensation for the loss of property at Lienchou, the said sum of 46,129.65 taels to be paid to the said American consul-general on or before the 10th day of July, 1906.

"'2. That the rewards for the apprehension of those guilty of the murder of the missionaries and burning of the mission buildings be increased and continue to be offered until such persons are apprehended.

"'3. That the strongest assurances be given the American Government that in the future adequate, efficient protection be guaranteed to American missionaries.

"'4. That the small Chinese temple used for ta tsui celebrations and adjacent to the mens' hospital of said mission be at once transformed to a schoolhouse.

"'5. That near this schoolhouse and in a conspicuous place there be erected by the Chinese authorities a stone tablet on which shall be engraved the edict of His Majesty the Emperor of China, issued on the 28th of October, 1905.

"'6. That the said edict be also conspicuously posted in the city and district of Lienchou when the missionaries return there.

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"'7. That in addition to the tablet described, a memorial tablet shall be erected also by the Chinese authorities to the memory of those missionaries who lost their lives in the massacre at Lienchou and that such tablet shall bear an inscription stating that it is erected by the Chinese authorities.

"'8. That this tablet shall be erected near the tree in front of the cave temple at the spot to which the missionaries were dragged from the cave, and where they were tortured and killed before their bodies were thrown into the river.

"'9. That the above-mentioned tablets be erected before the 10th of October next, and that, should they be destroyed or defaced in any way, the Chinese authorities will replace or repair them.'"

Your imperial highness further states that on the 22d of August, 1906, you received from me a memorandum, stating that the amount of the compensation for the loss of the property agreed upon by the American consul-general at Canton and his excellency the governor-general has been duly paid the former, but that there still remained unfulfilled certain stipulations of the nine articles above referred to, all of which you fully state in your note under acknowledgment. In the same memorandum I submitted to your imperial highness a request, based on the terms of the imperial edict of October 28, 1905, for an indemnity of 50,000 taels for the lives of the Americans killed at Lienchou. The amount of the indemnity was later on, by direct agreement between the Secretary of State of the United States and His Excellency Sir Chen-tung Liang-ch'eng, imperial minister in Washington, fixed at $25,000 United States gold currency. On July 13, 1906, I received a telegram from the American consul-general at Canton, stating that the aforesaid sum of 46,129.65 taels, compensation for loss of property, had been duly paid to him, and on the 5th of January, 1907, I received a telegram from the American consul-general at Canton, saying that the sum of $25,000 United States gold currency, the amount agreed upon as compensation for the lives of the murdered missionaries, had been paid to him in full. The receipt of both sums is therefore hereby acknowledged.

Your imperial highness further states in the dispatch under acknowledgment:

"With regard to the requirement of article 4, that the temple used for ta tsui ceremonies should be converted into a schoolhouse, it has been decided by the viceroy of the Two Kuang Provinces and the American consul-general at Canton that the temple should be razed instead. Article 4 should be changed accordingly."

On the 16th of January, 1907, I received a dispatch from the American consul-general at Canton, stating that he had agreed with his excellency the viceroy that the aforesaid temple should be razed instead of being converted into a schoolhouse, and I informed him that his action in this matter was approved. On January 31, 1907, I received a telegram from him notifying me that the temple had been razed.

Since the remaining provisions of the nine articles agreed upon between the American consul-general at Canton and his excellency the viceroy of the Two Kuang Provinces have been satisfactorily carried out, and, since your imperial highness informs me that you have instructed the viceroy to issue a proclamation reciting the terms of the settlement of this case, as requested in my memorandum of the 22d of August, 1906, and, since the sums agreed upon as compensation for property destroyed and indemnity for the lives of the murdered missionaries have both been paid in full, it appears that all the stipulations entered into between the American consul-general at Canton and his excellency the viceroy of the Two Kuang Provinces, and between your imperial highness and this legation, have been properly fulfilled, it affords me great pleasure, therefore, to inform your imperial highness by this dispatch that my Government regards this case as having been duly settled.

I avail, etc.,

W. W. ROCKHILL.

The Acting Secretary of State to Minister Rockhill.

No. 253.] DEPARTMENT OF STATE,
February 16, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 499, of the 7th ultimo, in which you confirm your telegram of the 5th

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ultimo, reporting the receipt by the consul-general at Canton of the sum of $25,000 gold paid by the Chinese Government as indemnity for the Lienchou massacre.

The dispatch has been read with interest, and your course in the matter has been approved by the department.

I am, etc., ROBERT BACON.

File No. 167/105–106.

Minister Rockhill to the Secretary of State.

No. 650.] AMERICAN LEGATION,
Peking, June 25, 1907.

SIR: With reference to the Lienchou massacre in October, 1905 (department's file No. 167), and the conditions of punishment insisted upon by the American Government in settlement of the case, I have the honor to inclose herewith a copy of a dispatch from our consul-general at Canton stating that Chiu Ut Yeung, accused of the murder of Mrs. Edward C. Machle, one of the victims of the massacre, has been found guilty of the crime and executed under orders from the viceroy, Chou Fu.

I have, etc., W. W. ROCKHILL.

[Inclosure.]

Consul-General Bergholz to Minister Rockhill.

AMERICAN CONSULATE-GENERAL,
Canton, June 25, 1907.

SIR: Referring to my No. 73, of April 11, 1907, advising you of the arrest at Canton of Chiu Ut Yeung, accused of the killing of Mrs. Machle, at Lienchou, in October of 1905 and of his being sent to that city for trial, I have now the honor to inform you that he was found guilty of the crime and, under orders from Viceroy Chou Fu, beheaded. His execution has been confirmed by the Reverend Mr. Edwards, at Lienchou, who merely states the fact without giving any details, which, however, you will find in the inclosed translation of a dispatch, dated May 28, from the viceroy, with a copy attached.

LEO BERGHOLZ.

FOREIGN SETTLEMENTS IN CHINA AND MANCHURIA.

[Continuation of correspondence in Foreign Relations, 1906, p. 290, et seq.]

File No. 4277/1–3.

Minister Rockhill to the Secretary of State.

No. 501.] AMERICAN LEGATION,
Peking, January 9, 1907.

SIR: In continuation of my numbers 332,[a] 352,[b] and 482,[c] of June 26, July 16, and December 18, respectively, in reference to the selec-

[a] See Foreign Relations, 1906, p. 198.
[b] See Foreign Relations, 1906, p. 202.
[c] See Foreign Relations, 1906, p. 290.

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tion of suitable localities to be set apart for international use and occupation at Mukden and Antung, I have the honor to inclose herewith a copy of Mr. Coolidge's instructions to the consul-general at Mukden, of November 5, in which he expresses the readiness of the legation to take up again the question of the establishment of settlements at the above ports, which, as reported to you in my No. 352, had been temporarily dropped.

I also have the honor to inclose a copy of my No. 1054, of the 8th instant, to the consul-general at Mukden, the inclosures to which were forwarded to the department in my No. 483, of December 16 last.[a]

I have requested Mr. Straight to close for the time being the discussion of the question, which will now be taken up by the legation with the Wai-wu Pu.

I have, etc., W. W. ROCKHILL.

[Inclosure 1.]

Chargé Coolidge to Consul-General Straight.

AMERICAN LEGATION,
Peking, November 5, 1906.

SIR: I have received your No. 40, of October 30, informing me that Mr. Oliver, of the Chinese Imperial Maritime Customs, has gone north to investigate conditions in connection with the opening of Fakumen, Tung-chaikou (T'ung-chiang tzu?), and Tiehling to foreign settlement and trade. You also ask for an expression of our policy in case negotiations are renewed with regard to the establishment of foreign settlements at Mukden and Antung.

The archives of the consulate at Niuchwang, with which you are familiar, contain records of all that has been done so far. The previous negotiations were discontinued because in the view of the Chinese Government the time had not yet arrived for a final settlement. Everything was still in so uncertain a condition that it was not possible at that time to make any definite arrangements. We acquiesced in this opinion, but are ready now or at any time to take up the question again. The settlement of this matter will devolve upon you, but everything which you do is subject to the approval of the Government. The underlying principle to be borne in mind constantly is that the United States considers that under the treaty of October 8, 1903, the cities of Mukden and Antung are opened themselves as ports. It is for the advantage of both foreigners and Chinese that there should be foreign settlements where foreigners may congregate and, as far as possible, regulate their own affairs, but these foreign settlements do not constitute the treaty ports. Their establishment does not deprive the American consular authorities of the right to fix their residence within the cities of Mukden and Antung, nor does residence within their boundaries deprive American merchants of their right to trade within these cities themselves.

With regard to the location and regulation of these settlements, you must be guided by previous instructions. The main thing to remember in the selection of the location is that it should be healthful and that it should be advantageously situated from a commercial point of view. As for regulations, the more self-government granted the better. Do not at the outset attempt to frame an elaborate system. Make the rules as few and simple as possible. Try to meet the views of the Chinese representative whenever you can, but do not let him forget that under the treaty the consent of the United States is indispensable to any arrangement.

(Signed) JOHN GARDNER COOLIDGE.

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[a] Not printed.

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[Inclosure 2.]

Minister Rockhill to Consul-General Straight.

No. 1053.] AMERICAN LEGATION,
Peking, January 8, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 69, of December 31, inclosing the reply of the tartar-general to the identic note which you and your colleagues sent him on the 22d of December in reference to the observance by foreigners of the regulations for general taxation in the province of Feng-t'ien issued by his order.

This identic note was approved in my No. 1036, of December 31.

The draft reply to the tartar-general's note of December 29, which you inclose in your dispatch under acknowledgment for the approval of this legation, is in accordance with the instructions heretofore sent Mr. Sammons (see my No. 773, of June 28, 1906), which have received the entire approval of the Secretary of State. As the question of "consumption tax" is now being discussed by this legation with the Wai-wu Pu, as I have already informed you in my No. 1034, of December 29 of last year, I would omit from your note to the tartar-general all reference to it. On page 2 of your draft you should therefore strike out from line 4 the portion of the phrase after the words "opened in this province," to the end of the paragraph.

With this answer sent the tartar-general, I think you should let this question rest, as it is one which can not be settled locally but must be discussed with the Chinese Government here. The tartar-general's views as shown in his note are of interest as his personal interpretation of the terms of Article XVI of our treaty of 1903 concerning Mukden and Antung, but they do not necessarily represent the views of the Imperial Government, which has not yet replied to the note which I sent the Prince of Ch'ing on the 28th of April of last year stating the interpretation by our Government of the provisions of the treaty concerning the opening of Mukden and Antung.

The legation agrees with your views as expressed in your dispatch under acknowledgment as to the problematic future of a special foreign settlement at Mukden, which, as you remark, like all the other inland marts opened or to be opened in Manchuria will be virtually a distributing point and depot for the collection of native produce destined for transshipment to the coast, where the headquarters of the foreign firms will remain located. If this is to be the commercial rôle of these places, the contention of the tartar-general that the rights of foreign trade at them should be restricted to a small area in proximity to each of these marts, would, if acceded to, deprive them of all value whatsoever. You will please send the legation at once a copy of the Chinese text of the viceroy's note of December 28 and also of your reply when sent. All important papers received from or sent to the Chinese authorities should be sent to the legation in Chinese as well as in translation.

I am, etc.,

(Signed) W. W. ROCKHILL.

File No. 4277.

The Acting Secretary of State to Minister Rockhill.

[Extract.]

No. 247.] DEPARTMENT OF STATE,
Washington, February 7, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 482 of December 18 last,[a] inclosing a memorandum prepared by Mr. Williams, Chinese secretary of the legation, on the subject of the foreign settlements at the open ports of China, which notes the facts that mark the stages of the movement of the Chinese to narrow the privileges of foreign residents at these ports.

The Government of the United States is determined in its opposition to the abridgment of rights now enjoyed by foreigners in the settlements or concessions already established or to be enjoyed by them in settlements or concessions to be hereafter established.

I am, etc., ROBERT BACON.

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[a] See Foreign Relations, 1906, p. 290.

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File No. 4277/4–6.

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 537.] AMERICAN LEGATION,
Peking, February 15, 1907.

SIR: With further reference to the opening to international trade of Antung and Mukden, and in continuation of my dispatch No. 501 of January 9 last, I have the honor to inclose herewith a translation of a note from the Wai-wu Pu, dated January 30, which is the reply to my note of April 28, 1906, a copy of which has already been sent to the department in my dispatch No. 332 of June 26 last.[a]

I also beg to inclose a copy of my reply to His Imperial Highness, Prince Ch'ing, of February 5.

As the department will note from the correspondence under consideration, the chief point in dispute relates to the duty-free area of the opened cities. This has always been a vexed question between China and the treaty powers, the Chinese Government maintaining that this area extends merely to a settlement proper, the powers that it is not confined to this, but that it includes the whole area of the port. Great Britain has always insisted on this point, but it has never been conceded by China but once—in the case of Ch'ang-sha, in Hunan, opened under the Japanese treaty of October 8, 1903, where, after formally acknowledging to the British Government that the whole city was included in the meaning of the words "treaty port" and was therefore opened to foreign trade and residence, the Chinese Government has ever since been endeavoring to restrict and to limit the rights to within the settlement boundary. As a consequence, the duty-free limits of the treaty ports have never been formally defined.

For the above reasons, and in view of your approval of my note to the foreign office of April 28,[b] as expressed in your instruction No. 176 of August 29 last,[c] I did not hesitate, in my note of the 5th instant, to submit the proposition therein contained, to the Chinese Government, and I trust that my action may be approved by the department.

I have, etc., W. W. ROCKHILL.

[Inclosure 1.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

FOREIGN OFFICE,
Peking, January 30, 1907.

YOUR EXCELLENCY: Some time since I had the honor to receive a dispatch from your excellency stating that in accordance with the commercial treaty between the United States and China Mukden and Antung were to be opened as places of international trade, and that it was desirable that at as early a date as might be convenient the United States and China should appoint delegates to consult together and make necessary arrangements, but with the clear understanding that, while special localities might be set aside for the convenience of foreigners as places of residence at the cities named, the city of Mukden itself, with its suburbs, was open to trade with foreign merchants, and that the

[a] See Foreign Relations, 1906, p. 198.
[b] See Foreign Relations, 1906, p. 200.
[c] See Foreign Relations, 1906, p. 219.

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same was true of Antung Hsien; that the establishment of settlements at the two places mentioned would not deprive the American consular authorities of the right to fix their residences within the cities of Mukden and Antung near the yamens of the Chinese authorities as being more convenient, and that the residence of American merchants within the fixed boundaries of the foreign settlements would not deprive them of the right secured by treaty of conducting their business within the cities named; that you hoped arrangements might be made at an early date for the consultation required to determine the location of the foreign settlements at the two places to be opened and the regulations required by treaty for the control of the same.

My board immediately communicated the contents of your dispatch to the tartar-general of Shengking for his consideration and that he might consult with the American consul-general at Mukden regarding the same.

I have now received a reply from the tartar-general at Shengking stating that the American consul-general at Mukden holds that the whole commercial area of Mukden is open to international trade and residence, and refuses to recognize such a duty as that of marking out settlements. Since the revised treaty between China and the United States provides that Mukden and An-tung shall be opened by China herself as places of international trade and that the selection of suitable localities to be set apart for international trade and residence, etc., the marking out of a settlement as a place of residence and trade for foreigners is certainly a measure in accordance with the treaty. If the whole commercial area of Mukden is open to international trade, it will certainly not be in accordance with the text of the treaty which provides for the selection of suitable localities for settlements.

Moreover, your excellency's dispatch makes mention of the establishment of settlements at the two places referred to for the residence of foreigners. Since they are settlements, how can they include the whole commercial area?

Besides, the residence of consular officials within the city is in order that they may be near the yamens of the Chinese authorities, and does not at all mean that merchants, too, are to be allowed to reside here and there throughout the city, which is, moreover, directly contrary to the provisions of the treaty.

The claim made in your excellency's dispatch of a treaty right to trade in the city refers to the entrance of foreign goods into the city in the ordinary course of business, and does not mean that foreign merchants may reside there at their pleasure.

The American consul-general has certainly misunderstood your excellency's meaning, and it becomes my duty to send this dispatch to your excellency for your consideration, and that you may instruct the consul-general at Mukden that he must comply with the provisions of the treaty and consult with the tartar-general of Shengking.

A necessary dispatch.

[SEAL OF THE WAI-WU PU.]

[Inclosure 2.]

Minister Rockhill to the Prince of Ch'ing.

AMERICAN LEGATION,
Peking, February 5, 1907.

YOUR IMPERIAL HIGHNESS: I have had the honor to receive your imperial highness's note of January 30, acknowledging the receipt of my note of April 28, 1906, in which I stated that my Government was ready, for the purpose of carrying out the stipulations of Article XII, paragraph 3, of the treaty of October 8, 1903, to send a delegate to confer with the duly appointed officer of the Chinese Government on the "selection of suitable localities at Mukden and An-tung Hsien to be set apart for international use and occupation, and for the framing of regulations for the places set apart for foreign residence and trade at these cities." I stated furthermore to your imperial highness in this note

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that it was the understanding of the American Government that, while special localities were to be set aside at these cities as places of residence for foreigners, the treaty clearly provided that the cities of Mukden and An-tung themselves were to be open to foreign trade, and that the consular representatives of the United States had the right to fix their residences within these cities near the yamens of the Chinese authorities. The fact that Americans resided within the settlements set apart for them did not, I added, deprive them of the right secured them by the treaty of conducting their business anywhere within the limits of the cities named.

Your imperial highness, in the note which you have now done me the honor to address me, says that your board duly communicated to the tartar-general at Shengking my note of April 28, 1906, for his consideration, and that he has now informed you that the American consul-general, Straight, with whom he has been discussing the matter, holds that the whole commercial area of Mukden is open to international trade and residence and refuses to recognize such a duty as that of marking out settlements.

In reply I have the honor to state that I am in receipt of a dispatch from the American consul-general at Mukden, in which he incloses a copy of a note which he addressed to his excellency the tartar-general on January 16 on this subject. In it he substantially repeats the remarks which I had the honor to submit to your imperial highness in my note of April 28 last, to wit: That Article XII, paragraph 3, of the treaty of 1903, provided, firstly, for the opening of Mukden and An-tung as places of international residence and trade, and secondly, that while within such places suitable localities were to be set aside for foreign residence and trade, nothing in this last provision was to be understood as in any way restricting the rights insured under the first phrase of the paragraph, particularly as regards the levying of inland dues on American merchandise within the cities of Mukden or An-tung. He does not decline to cooperate in choosing settlements, but only states the understanding his Government has of the question.

His excellency the tartar-general in his reply to the above note of the American consul-general, dated January 16 last, a copy of which I have before me, has, I think, failed to put a correct interpretation on the provisions of Article XII, paragraph 3, of the treaty of 1903, and consequently understand Mr. Straight's remarks, for he says that "in opening Mukden and other places to international residence and trade, trade will be restricted to a fixed area and residence limited to a settlement." Such an interpretation is absolutely incompatible with the provisions of the treaty and the object which the high contracting parties had in view—the extension and facilitating of international trade, not its restraining and embarrassing, as would be the inevitable result of the acceptance of such an interpretation.

There does not appear to my Government that any ambiguity exists in the provisions of the treaty; residential and trading rights are insured to Americans within the whole of the cities and suburbs of Mukden and An-tung, and special settlements to facilitate the same, but nowise intended to curtail such rights, are set aside thereat. Nevertheless, however clear the said provisions undoubtedly are, my Government desires to meet the wishes of the Imperial Government, which sees serious inconvenience in Americans residing here and there throughout these cities, and it would be willing to waive the former right and see the residential privileges of its citizens restricted to suitable settlements, provided that the treaty right to free trade in the cities and suburbs of Mukden and An-tung was clearly recognized, and that Americans could therein establish godowns and conduct business through their Chinese agents free from all inland taxation whatsoever.

I trust that your imperial highness, in the interests of the commerce and industry of China and the United States, which can only be served by removing all irksome impediments to their development and by affording ample room and opportunity for them to flourish, will therefore instruct his excellency the tartar-general to agree with the American consul-general to the above interpretation of the treaty provisions, after which the delimitation of settlements and the establishment of regulations for their government can be promptly and satisfactorily made, so that commerce may develop under conditions favorable alike to all.

I avail myself, etc., W. W. ROCKHILL.

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File No. 4277/4–6.

The Acting Secretary of State to Minister Rockhill.

No. 271.] DEPARTMENT OF STATE,
Washington, March 28, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 537, of the 15th ultimo, inclosing a copy of additional correspondence between you and Wai-wu Pu on the subject of the opening of Antung and Mukden to international trade.

Your notes to the Wai-wu Pu are approved by the department.

I am, etc.,

ROBERT BACON.

RESERVATION OF AMERICAN RIGHTS IN THE EXTENSION OF THE JAPANESE CONCESSION AT HANKOW.

File No. 8103.

Minister Rockhill to the Secretary of State.

No. 663.] AMERICAN LEGATION,
Peking, July 9, 1907.

SIR: I have the honor to inform you that the Chinese Government has entered into an agreement with the Japanese Government providing for the extension of the Japanese concession at Hankow.

Article VIII of the agreement, which is on file in this legation, is the only stipulation affecting our interests and reads as follows:

> Property (in the concession extension) purchased by foreigners from Chinese subjects before the opening of the Japanese concession will, unless there is some reason existing to prevent it, be dealt with according to the rules in force in other foreign concessions.
>
> But as the "concession" is of very small area, none but Japanese subjects will be permitted to buy land therein after the signing of this agreement. Chinese subjects will not be permitted to mortgage their property in the concession to foreigners (other than Japanese) or to rent or sell to them. Transgressors of this rule will be severely punished by the local Chinese authorities.
>
> If reputable and well-to-do foreigners desire to live within the limits of the Japanese concession they may do so, but they may not buy land therein.

I inclose copy of a letter on this subject from the Japanese consul to the American consul at Hankow forwarded to me by the latter, and a copy of my reply to Mr. Martin.

In giving the consul-general instructions to inform the Japanese consul "that the United States reserves full extraterritorial rights over American-owned property situated in the concession extension, etc.," I was guided by the note addressed by Mr. Hay to Mr. Cambon, on June 12, 1899 (Foreign Relations 1899, p. 283), in reference to the extension of the French concession at Shanghai.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Consul-General Martin to Minister Rockhill.

AMERICAN CONSULATE-GENERAL,
Hankau, June 19, 1907.

SIR: With reference to my No. 311, of the 15th instant, I have the honor to forward herewith a copy of a letter I have to-day received from His Imperial

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Japanese Majesty's consul at Hankow, which may be of interest to you in considering the question of the property of the Standard Oil Company, as both their tanks and godowns are situated in the area now to be known as the Japanese concession.

WILLIAM MARTIN.

[Subinclosure.]

The Japanese Consul at Hankau to Consul-General Martin.

HANKOW, *June 17, 1907.*

SIR AND DEAR COLLEAGUE: I have the honor to inform you that the area which extends from the end of the original Japanese concession at this port 150 chang northward along the river and 120 chang to the west from the bank of the river, having been leased in perpetuity to His Imperial Majesty's Government in virtue of an agreement signed on the 9th February last by the Taot'ai and myself and subsequently sanctioned by the respective superiors, this consulate is under instructions to start registry of ownership of the land situated within the above limits.

I therefore have the honor to request that you will notify such of your nationals or protégés as may possess land on the said concession extension to produce their title deeds at this consulate for examination and registration before or on the 16th of August, 1907, and thereby to agree to their property being included in the Japanese concession extension.

Thanking you in anticipation, I avail, etc.,

K. MIDZUNO.

[Inclosure 2.]

Minister Rockhill to Consul-General Martin.

AMERICAN LEGATION,
Peking, July 8, 1907.

SIR: Replying to your No. 312 of the 19th ultimo inclosing copy of a letter from His Imperial Japanese Majesty's consul at Hankow with reference to the extension of the Japanese concession at Hankow, I have to inform you that I see no objection to the compliance on the part of the Americans with the request therein contained, to produce their title deeds at the Japanese consulate for registration.

In reply to the letter of the Japanese consul you should inform him that you have given the notification requested, but that the United States reserves full extraterritorial rights over American-owned property situated in the concession extension, as well as over American owners of such property.

W. W. ROCKHILL.

File No. 8103.

The Acting Secretary of State to Minister Rockhill.

No. 349.] DEPARTMENT OF STATE,
Washington, August 28, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 663, of the 9th ultimo, concerning the recent agreement between Japan and China, extending the Japanese concession at Hankow.

You quote Article VIII of this agreement, which is on file in your legation, as the only stipulation affecting American interests. You also inclose a copy of a letter to you from the American consul at Hankau in which he incloses a copy of a letter to him from the Japanese consul at Hankow, in which the American consul is requested to notify the Americans of American protégés who may pos-

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sess land on the said concession extension to produce their title deeds at the Japanese consulate for examination and registration before or on the 16th instant, and thereby to agree to their property being included in the Japanese concession extension.

Your reply to the American consul advises him that he should inform the Japanese consul that the notification will be given, but that the United States reserves full extraterritorial rights over Americans and American-owned property situated in the extension.

The department approves your action in the matter.

I am, etc.,

ALVEY A. ADEE.

CUSTOMS AND INLAND TAXATION.

[See also correspondence, p. 130 et seq., "The Open Door Policy in Manchuria."]

File No. 788/26–32.

Minister Rockhill to the Secretary of State.

No. 504.] AMERICAN LEGATION,
Peking, January 12, 1907.

SIR: I have the honor to inclose herewith copies of certain dispatches which I have addressed to Mr. Straight, consul-general at Mukden, in reference to the question of customs regulations and taxation of foreign merchandise at the city of Mukden.

On December 11 last the legation instructed Mr. Straight not to accept a tax on retail trade if the goods were foreign, because after goods have paid the 5 per cent import and transit dues they can be subject to no impost whatever. I also expressed my opinion that there should be no custom-houses at Mukden or other interior places in Manchuria, and that the creation of interior custom-houses would hamper the development of the resources of the country.

In his No. 64 of December 16, a copy of which has been sent to the department from Mukden, Mr. Straight, in reply to the above instructions, inclosed a copy of the proposed duty regulations as approved by their excellencies the superintendents of trade for the northern ports, Yüan Shih-k'ai, and the viceroy of Shengking, Chao Erh Sun. He also called my attention to a "consumption tax" which was being levied on all goods, native and foreign, imported by Chinese merchants, no matter what their destination.

On December 27 I made certain comments to the consul-general on the proposed customs regulations, at the same time approving his suggestion, as contained in his No. 64, regarding "exemption certificates" which should be accepted by native revenue collectors, thus securing free transit for the goods covered by such certificates.

I addressed a note to the foreign office on December 29, objecting to a consumption tax on foreign goods and requesting that the tartar-general at Mukden be instructed that such tax may not be levied at any of the open cities or ports in his jurisdiction upon foreign goods that have already paid import duty. No reply has as yet been received to the above note other than that my note has been forwarded to the tartar-general for his consideration.

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Supplementing his dispatch No. 64 to this legation, Mr. Straight addressed me again in his No. 66, of December 25, a copy of which he also forwarded to the department, to which I replied on December 31, directing him to confer freely with the Japanese consul-general on all questions in which our respective Governments were mutually interested, and to be guided by the general instructions given by the Department of State to Mr. Sammons, consul-general at Newchwang, and by this legation.

On January 3 the legation received a telegram from Mukden announcing that the viceroy was proposing to appoint commissioners to conduct negotiations for formulating customs regulations, and requesting instructions as to whether he (the consul-general) should hold separate conference or joint action with the Japanese consul-general. On the same date I telegraphed my reply, directing him to discuss the matter with the whole consular body at Mukden and informing him that it was not a subject reserved by our treaty to our exclusive or separate determination, whereas the questions connected with the foreign settlements were so reserved. I also instructed him to bear in mind that as Mukden and Antung were ordinary treaty ports, with all the rights and privileges of such, no particular customs regulations appeared necessary.

In his No. 69, of December 31, also in the possession of the department, Mr. Straight forwarded to the legation a copy of a note which he had received from the viceroy, together with the draft of his reply, which he submitted to me for my approval. Owing to the fact that the question of a "consumption tax" was being discussed by the legation with the Wai-wu Pu, I suggested in my dispatch of January 8 that the note to the viceroy should omit all mention of the tax in question.

I agreed with the consul-general's views as expressed in his No. 69, in regard to the problematic future of a special foreign settlement at Mukden. It would seem as if Mukden could only be virtually a distributing point and depot for the collection of native produce destined for transshipment to the coast, where the headquarters of the foreign firms will remain located, and that therefore the contention of the Tartar general that the rights of foreign trade should be restricted to a small area, if acceded to would deprive the opened city of all value whatsoever.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Minister Rockhill to Consul-General Straight.

AMERICAN LEGATION,
Peking, December 11, 1906.

SIR: I have to acknowledge the receipt of your dispatches of November 15 (2) and December 4.

Regarding the leasing of land for the erection of a consulate-general, which you are informed by the Taot'ai might be arranged for a less rate than $50 a mow per annum, you are instructed that under no circumstances can this be agreed to, since it would curtail the right guaranteed to us by treaty to purchase land.

You should not accept the tax on retail trade if goods are foreign. After the goods have paid the 5 per cent import and transit dues they can be subjected to no impost whatever, and you should inform Chinese merchants of this and report any case you may hear of where a tax is levied on foreign goods in retail trade.

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I am of opinion that there should be no custom-houses at Mukden or other interior places in Manchuria, but only at ports where goods enter the country, and think that the creation of interior custom-houses would hamper the development of the resources of the country. You should resist an arrangement which would in any way increase the levying of dues of any kind on foreign goods.

It would be better to accept the view of Mr. Hagiwara and those of the British and German consuls, and have indiscriminate residence throughout the city, than accept a strict delimitation of territory to form an international settlement coupled with the restrictions the Chinese seek to impose on commercial rights.

W. W. ROCKHILL.

[Inclosure 2.]

Minister Rockhill to Consul-General Straight.

AMERICAN LEGATION,
Peking, December 27, 1906.

SIR: I have to acknowledge your dispatch No. 64, of December 16. The draft customs regulations which you inclose, while apparently framed for the purpose of facilitating trade at Mukden, appears to this legation cumbersome. As regards Articles VII and VIII, it would seem that the establishment of bonded warehouses by the railway company under the usual supervision that customs authorities exercise over such places would be a much better arrangement than that laid down in these articles.

Mukden being no more in the interior than Hangchow or Soochow, since these must be reached via Shanghai, it should not be made the subject of a special article. I think that Article I should be omitted altogether.

In Article II the words "exceptional treatment may be accorded" should be struck out, for if satisfactory reasons are given why import duty has not been paid on foreign goods at the seaboard it is a right the owner possesses to pay them at Mukden; it is not optional with the customs to refuse him.

In the same article the words "to their place of destination" should be struck out, as the provisions of the treaties are that on the payment of transit dues goods are exempted from all inland taxation whatsoever.

Article V: This appears to be unjust. Under existing rules at the other ports goods going from one open port to another pay (1) export duty at the place of departure, and (2) coast-trade duty (one-half import) at port of entry. The proposal to add inland taxation on goods en route from Mukden to the sea practically leaves Mukden in the same position as an unopened city. Such goods should enjoy the same privileges as those coming to Mukden from other open ports of China, as set forth in Article III.

Article IX: With whom do the commissioners intend to consult?

I approve of your suggestion to secure the issue by customs authorities of "exemption certificates," and I shall bring the attention of the Waiwu Pu to the matter of the levy of a consumption tax, which, as you say, is practically a transit duty equivalent to the former likin and which is being levied in Manchuria on all goods, native and foreign, imported by Chinese merchants, no matter what their destination.

W. W. ROCKHILL.

[Inclosure 3.]

Minister Rockhill to the Prince of Ch'ing.

AMERICAN LEGATION,
Peking, December 29, 1906.

YOUR IMPERIAL HIGHNESS: I have the honor to call the attention of your imperial highness to the action of the Tartar general at Mukden in levying a "consumption tax" on all goods, native or foreign, imported into the province of Feng-t'ien no matter what their destination. I am informed by the American consul-general at Mukden that such a tax is being collected upon American goods placed on sale at Mukden.

I need scarcely remind your imperial highness that all goods of foreign origin which have paid the tariff duty upon such imports may not be subjected

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to further imposts at any open city or port of China, or while in transit from one open port to another, no matter what the nationality of the owner or possessor of the articles. Inasmuch as Mukden has been declared open to international residence and trade, foreign goods which have paid import duty must be allowed the same treatment there as at other open ports.

I have the honor, therefore, to request your imperial highness to instruct the Tartar general at Mukden that such tax may not be levied at any of the open cities or ports in his jurisdiction upon foreign goods that have already paid import duties, and that such foreign goods, upon payment of the import duties, may be allowed the usual exemption certificate on being shipped from the port where such import duty was paid to any of the inland cities of Manchuria which have been declared open to foreign trade.

Trusting that your imperial highness will favor me with an early and satisfactory reply assuring me that American goods at the open ports of Manchuria, whether in the hands of Chinese or foreigners, will be exempt from the said "consumption tax," which is in violation of the treaties between the United States and China, I avail myself, etc.,

W. W. ROCKHILL.

[Inclosure 4.]

Minister Rockhill to Consul-General Straight.

AMERICAN LEGATION,
Peking, December 31, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 66 of the 25th instant, in which you inclose copy of a note signed by the consular body at Mukden and sent to the Tartar general in reply to the communication of the local foreign affairs board, concerning regulations for general taxing in the province of Feng-t'ien.

Your reply meets with the approval of the legation.

As regards your request for instructions in reference to the draft regulations prepared by Mr. Oliver, commissioner of maritime customs, and forwarded to this legation in your No. 64, it has been anticipated, and the views of the legation were sent you on the 27th instant in my dispatch No. 1029.

In your dispatch under acknowledgment you also ask if you should, following the precedent established by Consul-General Sammons, conduct negotiations, presumably for carrying out the provisions of Article XII, paragraph 3, of our treaty with China of October 8, 1903. You must be guided by the general instructions given Mr. Sammons by the Department of State and this legation, using your discretion in interpreting their spirit, and bearing in mind changes which may possibly have occurred since they were sent. At all events, you should freely confer with the Japanese consul-general and ascertain his views on all questions in which our respective Governments are mutually interested, using your efforts to so adjust your different views as to best serve the policy of the United States as regards Manchuria, which, fortunately, is in absolute conformity with the oft-repeated declaration of the Japanese Government on the same question. However, before finally committing yourself to any arrangement concerning any of the questions involved in the pending trade arrangements for Manchuria you should submit the matter to this legation and await further instructions.

W. W. ROCKHILL.

[Inclosure 5.]

Minister Rockhill to Consul-General Straight.

AMERICAN LEGATION,
Peking, January 4, 1907.

SIR: I have to acknowledge the receipt of your telegram of the 3d instant, and to confirm my reply thereto, as follows:

"AMERICAN MINISTER, *Peking:*

"The viceroy proposes to appoint commissioners to conduct negotiations anticipated in the last two paragraphs my No. 66, December 25, for formulating

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customs regulations. No expression intention propose simultaneous negotiations settlement regulations, which will probably be reserved subsequent discussion. Chinese desire to ascertain whether my instructions provide for separate conference or joint action with Japanese consul. Am informed that they prefer, in the beginning at least, former procedure. Respectfully request instructions.

"STRAIGHT."

"AMERICAN CONSUL, *Mukden:*

"Your cipher telegram third, any discussion customs regulations should be held jointly with whole consular body at Mukden. This subject is not one reserved by our treaty to our exclusive or separate determination, whereas those connected with settlements are. You will bear in mind that Mukden and Antung being ordinary treaty ports with all rights and privileges of such, no particular customs regulations appear to us necessary.

"ROCKHILL."

W. W. ROCKHILL.

[Inclosure 6.]

Minister Rockhill to Consul-General Straight.

AMERICAN LEGATION,
Peking, January 8, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 69 of December 31, inclosing the reply of the Tartar general to the identic note which you and your colleagues sent him on the 22d of December, in reference to the observance by foreigners of the regulations for general taxation in the Province of Feng-t'ien, issued by his order.

This identic note was approved in my No. 1036 of December 31.

The draft reply to the Tartar general's note of December 29, which you inclose in your dispatch under acknowledgment for the approval of the legation, is in accordance with the instructions heretofore sent Mr. Sammons (see my No. 773 of June 28, 1906), which have received the entire approval of the Secretary of State. As the question of "consumption tax" is now being discussed by the legation with the Waiwu Pu, as I have already informed you in my No. 1034 of December 29 of last year, I would omit from your note to the Tartar general all reference to it. On page 2 of your draft you should therefore strike out from line 4 the portion of the phrase after the words "opened in this province" to the end of the paragraph.

With this answer sent the Tartar general, I think you should let this question rest, as it is one which can not be settled locally, but must be discussed with the Chinese Government here. The Tartar general's views, as shown in his note, are of interest as his personal interpretation of the terms of Article XVI of our treaty of 1903, concerning Mukden and Antung, but they do not necessarily represent the views of the Imperial Government, which has not yet replied to the note which I sent to the Prince of Ch'ing on the 26th of April of last year, stating the interpretation by our Government of the provisions of the treaty concerning the opening of Mukden and Antung.

The legation agrees with your views as expressed in your dispatch under acknowledgment as to the problematic future of a special foreign settlement at Mukden, which, as you remark, like all the other inland marts opened or to be opened in Manchuria, will be virtually a distributing point and depot for the collection of native produce destined for transshipment to the coast, where the headquarters of the foreign firms will remain located. If this is to be the commercial rôle of these places, the contention of the Tartar general that the rights of foreign trade at them should be restricted to a small area in proximity to each of these marts would, if acceded to, deprive them of all value whatsoever. You will please send the legation at once a copy of the Chinese text of the viceroy's note of December 26, and also of your reply when sent. All important papers received from or sent to the Chinese authorities should be sent to the legation in Chinese as well as in translation.

W. W. ROCKHILL.

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File No. 788/19–21.

The Acting Secretary of State to Minister Rockhill.

No. 249.] DEPARTMENT OF STATE,
Washington, February 8, 1907.

SIR: I inclose herewith, for your information, a copy of an instruction which was sent to the consul-general at Mukden, in answer to his dispatches Nos. 11, 16, and 17 of December 4, 23, and 27 last, respectively, in regard to the proposal of the Chinese authorities to impose an inland tax upon American goods under the guise of a consumption tax, and touching upon the conditions of the opening of Antung, Mukden, and Tatungkou.

I am, etc., ROBERT BACON.

[Inclosure.]

The Third Assistant Secretary of State to Consul-General Straight.

No. 10, Consular.] DEPARTMENT OF STATE,
Washington, February 7, 1907.

SIR: I have to acknowledge the receipt of your interesting dispatches Nos. 11, 16, and 17, of December 4, 23, and 27, 1906, setting forth the proposal of the Chinese authorities to impose an inland tax upon American goods under the guise of a consumption tax, and touching upon the conditions of the opening of Antung, Mukden, and Tatungkou, questions which for purposes of negotiations the Chinese would seem inclined to treat as related ones.

The department approves of your vigorous opposition to this attempt to revive the likin under another name.

As to the opening of cities in Manchuria under the treaties of 1903, particularly the opening of Mukden and Antung in accordance with our treaty, you will continue to insist upon the faithful execution of Article 12. This Government considers that under that article the cities in question are open in their entirety and that American residence therein is to be free and unlimited. This point is regarded as one of the first importance. The international settlements contemplated by Article 12 would seem less essential and the exercise of the right to establish such settlements might perhaps safely be held in abeyance until the conditions might make international settlements desirable in the interest of American trade.

In dealing with these political questions you will, of course, continue to keep yourself in the closest touch with the legation.

I am, etc.,

HUNTINGTON WILSON.

File No. 788/57–59.

Minister Rockhill to the Secretary of State.

No. 545.] AMERICAN LEGATION,
Peking, February 22, 1907.

SIR: In continuation of my No. 504, of January 12 last, in reference to the question of customs regulations and taxation of foreign merchandise at the city of Mukden, I have the honor to inclose herewith the translation of a note from the foreign office, dated February 7, which is in reply to my note of December 29, 1906 (inclosure 3 in legation dispatch No. 504).

I also beg to submit to the department a copy of my reply to the Waiwu Pu of the 21st instant, in which I request that His Imperial

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Highness Prince Ch'ing direct the customs authorities to issue exemption certificates for all foreign goods imported into Manchuria which have paid import duty, and to instruct the Tartar general of Shenking to cause such certificates to be duly recognized.

I may add that I do not expect a settlement of the customs question until the delimitation of the foreign settlements at Antung and Mukden has been definitely determined.

In connection with this latter subject I beg to say that my note of February 5 to His Imperial Highness Prince Ch'ing, a copy of which was forwarded to the department in my dispatch No. 537, of the 15th instant, remains as yet unanswered.

I have, etc., W. W. ROCKHILL.

[Inclosure 1.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

FOREIGN OFFICE,
Peking, February 7, 1907.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt, on the 29th of December, 1906, of your excellency's dispatch stating that a consumption tax was being levied on all native and foreign goods shipped to any place in Shengking Province; that foreign goods which have paid the import duty can not be further taxed; that, as the city of Mukden has been opened as a port of international trade, the rules which apply to other treaty ports are equally applicable to it. Your excellency therefore requested me to inform the Tartar general at Mukden that foreign goods in the ports of international trade in the Province of Shengking, having already paid the import duty, are not liable to the imposition of a consumption tax in addition thereto, and that goods of this class shipped to any of the ports of international trade in Manchuria and covered by inland transit passes, according to regulation, ought to be free from additional duties.

Immediately upon the receipt of your excellency's dispatch my board communicated with the Tartar general at Shengking, and is now in receipt of his reply stating that the English, American, German, and Japanese consuls-general at Mukden had presented a joint dispatch to him in which they claim that the whole commercial area of Mukden is open to international trade and residence and they propose to ask, with a view to obviating the exaction of duties outside of the settlements, that the whole commercial area of Mukden be taken as an international trading mart, which contention he, the Tartar general, could not admit. With regard to the statement that goods covered by inland transit passes, according to the regulations, are free from the payment of any additional duties whatsoever, he says that when, as will be done shortly, negotiations are opened for the establishment of general regulations for the ports of international trade these proposed customs regulations may be discussed with the various consuls-general, an agreement arrived at, and action taken accordingly.

My board finds that Mukden was opened as an international trading port by China herself, as agreed upon in Article XII of the commercial treaty between the United States and China, and in Article X of that between Japan and China. It is clearly stated in these treaties that suitable localities for international use and occupation shall be set aside at the international trading marts, not that the whole commercial area of Mukden shall be considered open to international trade and residence. The contention of the consuls-general at Mukden is therefore at variance with the treaties and can not be admitted.

As to the manner in which the consumption tax was to be levied in Shengking Province my board, not having seen the regulations, made inquiry by telegraph of the Tartar general at Mukden and has now received his answer to the effect that the regulations for the collection of this levy in Shengking Province apply only to native goods not intended for export, and to foreign goods not covered by customs passes. My board would point out that native goods not intended for export and foreign goods not covered by customs passes are quite distinct from goods covered by inland transit passes, and that such

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goods are liable at any place for all internal taxes levied by the Chinese authorities, and that foreign consuls must not interfere in the matter.

It becomes my duty, therefore, to send this reply to your excellency for your information, in the hope that you will direct the American consul-general at Mukden to amicably arrange with the provincial authorities of Shengking all questions which may arise.

A necessary dispatch.

[SEAL OF THE WAI-WU PU.]

[Inclosure 2.]

Minister Rockhill to the Prince of Ch'ing.

AMERICAN LEGATION,
Peking, February 21, 1907.

YOUR IMPERIAL HIGHNESS: On the 7th of February I had the honor to receive from your imperial highness a reply to my dispatch of December 29, 1906, referring to the levy of a "consumption tax" in the Province of Shengking on all goods, native or foreign, imported into that Province, no matter what their destination.

Your imperial highness states that you had communicated the contents of my note to the tartar-general at Mukden, and that your highness had received a reply to the effect that the consuls-general of Great Britain, the United States, Germany, and Japan had presented a joint note to him, in which they claimed that the whole commercial area of Mukden was open to international residence and trade, which he could not admit, and that the question of customs regulations for the ports of international trade in Manchuria can be taken up when that of the general regulations for these marts is taken up, which will be done shortly.

Your imperial highness regards the contention of the consuls with respect to the area of residence and trade at Mukden to be at variance with the provisions of the commercial treaty. As to the "consumption tax," your imperial highness says that, not having seen the regulations, you had telegraphed to the tartar-general and had received his reply, stating that the regulations for the collection of this levy apply only to native goods not intended for export and to foreign goods not covered by customs passes.

With regard to the question of the area of foreign residence and trade at Mukden and other marts of international trade in Manchuria, I had the honor to express the views of my Government to your imperial highness under date of February 5, and I have the honor to again invite your imperial highness's attention to them.

Inasmuch as his excellency the tartar-general of Shengking admits that the "consumption tax" is not to be levied upon foreign goods provided with customs passes, I have the honor to request your imperial highness to direct the customs authorities to issue exemption certificates to all foreign goods imported into Manchuria which have paid import duty, and to instruct the tartar-general of Shengking to direct the collectors of the "consumption tax" to duly recognize such exemption certificates, and relieve such goods from the imposition of this tax at the towns and ports in Manchuria opened to international trade. This will be in harmony with the provisions of the commercial treaties which clearly exempt all articles duly imported into China from the imposition of any tax save the import duty while such goods are lying at an open port or in transit from one open port to another.

Trusting that your imperial highness will comply with this request, I avail myself, etc.,

W. W. ROCKHILL.

File No. 88/26–32.

The Acting Secretary of State to Minister Rockhill.

No. 260.] DEPARTMENT OF STATE,
Washington, March 8, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 504, of January 12 last, inclosing copies of certain instructions that you

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have addressed to the consul-general at Mukden, in relation to the question of customs regulations and taxation of foreign merchandise at that place, and inclosing also copy of your note of December 29 last to the Chinese foreign office on the subject.

Your action in the matter, as shown by your dispatch and its inclosures, is approved by the department.

I am, etc., ROBERT BACON.

File No. 788/57–59.

The Secretary of State to Minister Rockhill.

No. 281.] DEPARTMENT OF STATE,
Washington, April 29, 1907.

SIR: I have received your dispatch No. 545, of the 22d of February last, and approve your views as expressed in the communication to the Chinese Government, inclosed therein. It is noted that you request the Wai-Wu Pu (p. 2, note of February 21, to Prince Ch'ing) "to direct the customs authorities to issue exemption certificates to all foreign goods imported into Manchuria which have paid import duty * * * and relieve such goods from the imposition of this tax (consumption tax) at the towns and ports of Manchuria opened to international trade."

The compliance of the Chinese Government with this request would seem to be but a simple carrying out of an existing treaty provision. Its value would, however, be in formal and more general acquiescence in the effect contemplated by the contention of the consuls at Mukden in this respect.

Your efforts to secure this admission, together with recognition that "residential and trading rights are insured to Americans within the whole of the cities and suburbs of Mukden and Antung" (your note to Prince Ch'ing, February 5, 1907, p. 3), were approved by the department.

The department is fully alive to the importance of gaining the definite adherence of the Chinese Government to the rule that the opening of ports or other cities to foreign trade means their opening in their entirety to such trade, and not merely the granting of commercial rights, privileges, and exemptions within a portion of the area of such ports or cities.

The present attitude of this Government upon the question is sufficiently clear in the light of its reply to your telegram of the 18th ultimo.

If it be clearly understood that Americans shall be permitted to enjoy whatever advantages may be actually enjoyed by other nations, whether as a matter of right or of fact, the proposals described in that telegram would seem quite compatible with our commercial interests.

The department has now also approved your statement in the above-mentioned note, that this Government "would be willing to see the residential privileges of its citizens restricted to suitable settlements, provided that the treaty right to free trade in the cities and suburbs of Mukden and Antung were clearly recognized, and that Americans could therein establish go-downs and conduct business through their Chinese agents free from all inland taxation whatsoever."

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With regard to the statement in the dispatch under acknowledgment, to the effect that a settlement of the customs question is not expected until the delimitation of the foreign settlements at Antung and Mukden has been definitely determined, I would remark that the latter would seem rather to be a question of detail, and that it would be regrettable if the resolution of the more urgent question of principle should be deferred by the complications which may retard somewhat the definite delimitation of the foreign settlements.

It is to be hoped that on such lines the complicated questions of residential areas and taxation in Manchuria will be ultimately settled, there being slight grounds to apprehend that nominally restricted areas of residence will prove in practice more onerous to American interests in Manchuria than in other commercial centers of China, while unrestricted foreign residence might, in fact, be relatively less advantageous to Americans than to certain of our commercial competitors.

I am, etc., ELIHU ROOT.

File No. 788/70–76.

Consul-General Straight to the Assistant Secretary of State.

No. D 72.] AMERICAN CONSULATE-GENERAL,
Mukden, May 21, 1907.

SIR: In confirming my cipher telegram of the 20th instant as follows,[a] I have the honor to transmit herewith a copy of my dispatch No. 105, of even date, to the legation at Peking, as well as the inclosures therewith, excepting the Chinese texts, regarding the agreement above mentioned.

I have, etc.,

WILLARD D. STRAIGHT.

[Inclosure 1.]

Consul-General Straight to Minister Rockhill.

No. 105.] AMERICAN CONSULATE-GENERAL,
Mukden, May 21, 1907.

SIR: In confirming my telegram of the 20th instant, your reply of May 21, and my reply thereto of even date, as follows:[b]

[Cipher telegram received May 21, 1907.]

"AMERICAN CONSUL, *Mukden:*

"Your cipher telegram received. Who signed agreement referred to?

"ROCKHILL."

[Cipher telegram sent May 21, 1907.]

"AMERICAN MINISTER, *Peking:*

"Your cipher telegrams received. Foreign office in formal note accepted my proposals.

"STRAIGHT."

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[a] Not printed. [b] Supra.

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I have the honor to inclose for your information a copy of the note verbale presented to the directors of the bureau of foreign affairs, a copy of the translation of their reply, a copy, with the Chinese text thereof, of my final statement of the question under consideration, and a copy of the translation and Chinese text of the acceptance by the bureau of foreign affairs of my proposals regarding the noncollection of inland taxes on foreign goods in the treaty marts of Shengking.

Since the note verbale inclosed in my dispatch No. 82, of January 26, clearly stated the position of the American Government as outlined in the legation's instruction to this office, I considered that by enabling the Chinese authorities to accept what is nominally a provisional arrangement it might be possible, without the waiver of any treaty rights, to secure for American goods the practical advantages for which we have contended.

The Chinese authorities insisted, as provided in paragraph 3 of inclosure No. 3, that should the American Government consent to the collection of inland dues on foreign goods passing the boundaries of the foreign concessions, the importers should pay the amounts recorded during the period preceding the conclusion of such arrangement as leviable. While regretting the necessity of even conditionally recognizing that such goods should ever be liable to inland taxation, I have felt that the fact that the American Government will insist that foreign goods shall be exempt from inland dues in the open cities in their entirety has been emphasized in such a manner as to virtually nullify the possibly prejudicial effect of such an admission.

I venture to hope that the legation may approve my action in this matter.

As reported in my No. 102, of April 28, I do not regard the selection of concession sites at either Mukden or Antung of vital importance at the present time. In approaching the viceroy, however, with a view to obtaining from him an admission that inland dues should not in the future be collected in the inland marts, I deemed it advisable to offer to proceed with the negotiations for settlement delimitation. I did so, confident that the obstacles to be overcome in drawing up regulations mutually satisfactory to the Chinese and ourselves are so great that this question will necessarily remain unsettled for an indefinite period. His Excellency having assured me that he was anxious to do all in his power to evolve some arrangement which would make it possible to proceed with the solution of questions which have for so long a time been confronting us, referred the matter to the foreign office for discussion. As I had reason to believe that the Chinese authorities would take no steps to perfect customs arrangements for the inland marts without first receiving some assusance that the question of settlement delimitation might at least be reopened, I embodied the suggestion that we proceed with such negotiations in my note to the foreign office of May 6 (inclosure No. 1).

In numerous interviews with the viceroy and the directors of the bureau of foreign affairs which followed the presentation of this note, the question of inaugurating customs procedure at the inland cities was brought forward. The directors of the foreign office, having a personal interview, agreed to my proposals as outlined in my note of the 16th of May (inclosures Nos. 3 to 4), in written communication, which they assured me would express their acquiescence in the course described in the note above referred to, attempted to evade the responsibility of making the promised admission. After a week's delay, however, at the end of which time I had occasion to impress upon them the importance of concluding some arrangement at an early date, they consented to quote my note in its entirety and to accept the proposals embodied therein.

Both the German and the British representatives have, in order to secure the exemption of goods imported by Arnhold, Karberg & Co., and Butterfield & Swire, respectively, consented that a record shall be kept of such goods, together with the amounts of inland dues to which the Chinese consider them liable, and have, moreover, guaranteed that, should it eventually be decided that inland dues may be collected on foreign goods outside the international concessions, these firms will pay the Chinese Government the taxes which have been recorded as leviable upon the goods imported. A copy of the agreement signed by the German consul is inclosed herewith. No provision was made for the noncollection of duties on goods covered by "exemption certificates." These agreements, moreover, apply to special cases only. I was unwilling to enter into any such arrangement on behalf of American firms, as such a compromise seemed to me undesirable.

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The assurance from the provincial authorities that no inland dues will be collected on foreign goods in the open marts will be beneficial to American interests. Moreover, if immediate steps are taken to provide for the issuance by the offices of the imperial maritime customs of "exemption certificates" to cover goods destined for Shengking and for the recognition of such certificates by the collectorates in the inland marts, as provided in your note to the Wai Wu Pu, inclosed in your dispatch No. 1142, of February 22, the fact that goods not provided therewith will be forced to pay import duties at these cities or possibly be liable to confiscation would perhaps hasten the installation of custom-houses at Dalny and on the Russian frontier, and thus restrict the privileged competition which, particularly owing to the absence of a customs collectorate at the former place, has been injurious to American interests.

I have, etc.,

WILLARD D. STRAIGHT.

[Subinclosure 1.]

Consul-General Straight to the Minister for Foreign Affairs.

L. O. N. 45.]

[Note verbale.]

The American consul-general presents his compliments to MM. les Directeurs of the Bureau of Foreign Affairs. In answer to their verbal assurance that it is the desire of the Imperial Government to proceed with the delimitation of the international settlements at Mukden and Antung in accordance with the provisions of Article XII of the treaty of 1903 between the United States and China, the American consul-general has the honor to inform MM. les Directeurs that while maintaining his original contention regarding the status of the treaty marts in question, in view of the exigencies of the situation he is willing to resume negotiations for settlement delimitation upon receiving the assurance of MM. les Directeurs that, pending the mutually satisfactory settlement of the question regarding the limits of the duty-free areas at the treaty marts, foreign goods, when covered by "exemption certificates" issued by the imperial maritime customs, shall not be subject to the imposition of inland dues at or within the cities opened to international residence and trade.

The American consul-general avails himself of this opportunity to renew to MM. les Directeurs of the Bureau of Foreign Affairs, the assurances of his most distinguished consideration.

MAY 6, 1907.

[Subinclosure 2.—Translation.]

Minister for Foreign Affairs to Consul-General Straight.

From L. O. 44.] MUKDEN, *May 14, 1907.*

SIR: In connection with our recent conversation regarding the levy of inland duty on foreign goods, I have the honor to acknowledge the receipt of your note which contains one or two matters concerning which there exists some ambiguity.

While maintaining that (territory) outside the concession areas should be treated as the interior, this office, realizing the difficulty of immediately reaching a satisfactory settlement of this question, agrees that, pending the conclusion of negotiations for the delimitation of the foreign concessions, a record shall be kept of all foreign goods imported, together with the amounts of duties leviable thereon, and that, if these goods are covered by "exemption certificates" issued by the maritime customs, no duty will be charged.

If in the future our respective Governments agree that inland taxation may be collected outside the limits of the foreign concessions duties shall be collected accordingly. It is agreed that this arrangement is provisional. This office hopes that, when this matter is decided, the maritime customs may be established throughout Fengtien at an early date.

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[Subinclosure 3.]

Consul-General Straight to the Minister for Foreign Affairs.

L. O. No. 47.] AMERICAN CONSULATE-GENERAL,
Mukden, China, May 16, 1907.

MESSIEURS LES DIRECTEURS: I have the honor to acknowledge the receipt of your recent note. As there are one or two matters concerning which there is apparently some degree of ambiguity, I venture in reply to review the proposals under consideration.

I have already had the honor to communicate to you the views of my Government regarding the opening of the treaty marts in Shengking. In your note you reiterate your contention that inland dues are leviable outside the boundaries of the foreign concessions. Since our views in this matter do not coincide it has been proposed that, pending the settlement of this question, all foreign goods imported into the open cities in their entirety, if they be covered by exemption certificates issued by the maritime customs, shall not be subjected to inland taxes, but that record shall be kept of the quantity of such goods and the amount of duty to which you consider them liable.

Hereafter, should our respective Governments agree that inland dues may be levied outside the foreign settlements, the amounts recorded shall be collected. It is agreed that the arrangement described in the preceding paragraph is provisional.

It is highly important that customs machinery for effectuating the above agreement should be installed in the open cities as soon as practicable, and I trust that the Imperial Government will immediately take steps to perfect the necessary arrangements. Until such action is taken it will be impossible for goods destined to Shengking to secure exemption certificates, as no provision has been made for the recognition thereof in the open marts. Prior to the inauguration of customs procedure, therefore, foreign goods shall not pay inland dues, but record shall be kept in the manner herein above described.

I avail myself, etc.,

WILLARD D. STRAIGHT.

[Subinclosure 4.—Translation.]

The Minister for Foreign Affairs to Consul-General Straight.

From L. O. No. 45.] MAY 20, 1907.

SIR: I have the honor to acknowledge your note stating:

"I have the honor to acknowledge the receipt of your recent note. As there are one or two matters concerning which there is apparently some degree of ambiguity, I venture to review the proposals under consideration.

"I have already had the honor to communicate to you the views of my Government regarding the opening of the treaty marts in Shengking. In your note you reiterate your contention that inland dues are leviable outside the boundaries of the foreign concessions. Since our views in this matter do not coincide, it has been proposed that, pending the settlement of this question, all foreign goods imported into the open cities in their entirety, if they be covered by exemption certificates issued by the maritime customs, shall not be subjected to inland taxes, but that record shall be kept of the quantity of such goods and the amount of duty to which you consider them liable.

"Hereafter should our respective Governments agree that inland dues may be levied outside the foreign settlements, the amounts recorded shall be collected. It is agreed that the arrangement described in the preceding paragraph is provisional.

"It is highly important that customs machinery for effectuating the above agreement should be installed in the open cities as soon as practicable, and I trust that the Imperial Government will immediately take steps to perfect the necessary arrangements. Until such action is taken, it will be impossible for goods destined to Shengking to secure exemption certificates, as no provision has been made for the recognition thereof in the open marts. Prior to the inauguration of customs procedure, therefore, foreign goods shall not pay inland dues, but record shall be kept in the manner herein above described."

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This office agrees to the above procedure, but wishes it clearly understood that the provisions refer to foreign goods, and that native Manchurian goods shall not be entitled to similar treatment.

[Subinclosure 5.]

Mr. Mezger to the Tartar-General and Governor-General, Chao Erh Sun.

MUKDEN, *April 25, 1907.*

GENTLEMEN: With reference to the conversation of this afternoon between Taotai Tao and Han and myself on the subject of levying taxes upon goods imported by the German firm Arnhold, Karberg & Co., to Tiehling, I have the honor to confirm herewith the arrangements verbally agreed upon.

(1) The provincial government of Fengtien promises to give an immediate order to the tax collector at Tiehling not to impose any taxes on foreign goods being imported by the agents of Messrs. Arnhold, Karberg & Co.

(2) The agents of Messrs. Arnhold, Karberg & Co. will in the future hand over bonds to the tax collector, stating the amount of foreign goods imported by them, and also stating the duty due on these goods.

(3) The German consul agrees that this duty will be paid later on by Messrs. Arnhold, Karberg & Co., provided—

(*a*) That the Government of China, the United States of America, and Japan, who have concluded the treaties according to which the different places in Manchuria have been opened to foreign trade, agree that the right of free trade is only restricted to a certain settlement area at the opened towns and that the Chinese cities at these places are regarded as being in the interior.

(*b*) That the merchants of all other nations are equally bound to pay up afterwards the duty in arrears if the interpretation of the treaties as explained in sub (*a*) has been adopted by the Governments concerned.

Asking for an adequate confirmation from your side, I avail myself of this opportunity to renew to you the assurances of my high consideration.

O. MEZGER, *H. I. G. M.'s Consul.*

File No. 788/63.

The Secretary of State to Minister Rockhill.

No. 304.] DEPARTMENT OF STATE,
Washington, June 10, 1907.

SIR: For the information of the legation I have to inclose copy of an instruction sent to-day to the consulate-general at Mukden on the subject of the status of foreign goods while in transit to, while within, and while in transit between newly opened cities, for the determination of which that office has been working under your direction.

The whole subject is very important, as involving the settlement of several vexed questions and as creating a precedent for the case of cities hereafter to be opened. The department supposes that the arrangements now arrived at will apply equally to cities opened in pursuance of treaty stipulations and to cities opened by the independent action of the Chinese Government.

While the department has been in direct correspondence with the consulate-general at Mukden in regard to these matters, it is of course fully understood that for its understanding of this complicated subject and for material to frame its views thereon it looks to the legation.

I have, etc.,

E. ROOT.

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[Inclosure.]

The Third Assistant Secretary of State to Consul-General Straight.

No. 26, Consular.] DEPARTMENT OF STATE,
Washington, June 10, 1907.

SIR: The department confirms your telegram of May 20, reading as follows:

[Paraphrase.]

(Mr. Straight informs Mr. Root that the foreign office to-day made an agreement, pending the settlement of status treaty marts; inland taxes will not be levied in the open cities on foreign goods which are covered by exemption certificates. The foreign office also agreed that they will not levy inland taxes on foreign goods in these cities, pending the perfection of arrangements for the issue of exemption certificates by the maritime customs and recognition thereof in the inland marts.)

The department's telegram to the legation at Peking, dated May 22, contained the following reference to the above:

"* * * The arrangement described in the telegram of May 20 from the consul-general at Mukden seems quite consistent with the proposition approved by the department's telegram of March 22, assuming that 'exemption certificates' mean practically receipts for import duty, and it is very satisfactory. It is the department's impression that pending further developments we need not take up settlement delimitation. Is this your view?"

In response to which Mr. Rockhill telegraphed:

"* * * Provisional arrangement described by consul-general at Mukden is acceptable with slight modification which I have suggested. Settlement delimitation secondary importance, it can await further developments."

The department is gratified that seemingly good progress has been made in adjusting the vexed question of the status of foreign goods while in transit to, while within, and while in transit between newly opened cities, and it awaits with interest a precise description and analysis of the conditions settled upon.

Referring to your dispatch No. 99, to the legation, a copy of which accompanied No. 59, of March 28, to the department, the department does not understand your statement, "the proposal to oblige foreigners purchasing native products in the interior to secure a 'sanlientan' is manifestly a contravention of the treaties." The department's understanding of the nature of the "sanlientan," as to which it will be glad to have fuller information, is that it is a kind of certificate which is issued to foreign merchants desiring to purchase Chinese goods in the interior; that to receive a "sanlientan" the foreign merchant must give bond for six times the amount which would be the export duty, which bond will be canceled upon the payment of the export duty plus 2½ per cent surtax as transit dues upon the exportation of the goods within a reasonable time; and that the "sanlientan" makes the goods covered by it exempt from further taxes in transit. In short, the "sanlientan" is understood to be virtually a transit pass to cover foreign-owned Chinese goods in transit for export and involving a bond one-half of which, i. e., three times the amount of the export duty, is forfeited if the goods be not exported. It is understood that this practice is provided for in the so-called "Chinkiang rules," as to which, however, the practice varies in different localities.

The reference to "consumption tax" in a proclamation issued by the Mukden tax office on March 27 is also not clear.

I have, etc., HUNTINGTON WILSON.

File No. 788/93–94.

Minister Rockhill to the Secretary of State.

No. 666.] AMERICAN LEGATION,
Peking, July 10, 1907.

SIR: I have the honor to inclose herewith for the information of the department a copy in translation of a note I have to-day received from the foreign office regarding the establishment of customs stations by China at the two points where the Eastern Chinese Railway

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crosses the frontier, and experimental stations, which were opened by an agreement made between the Chinese Government and the Russian minister at Peking on the 8th instant.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

From F. O. No. 300.] FOREIGN OFFICE,
Peking, July 10, 1907.

YOUR EXCELLENCY: According to the terms of the agreement[a] for the construction of the Chinese Eastern Railway, China, is required to establish customs stations at the two points where the line crosses the frontier, and to settle upon a plan for the collection of duties along the line of the railway.

With reference to this matter I now have the honor to inform you that experimental regulations for the operation of these customs stations have been agreed upon by my Government and his excellency the Russian minister, with whom notes have been mutually exchanged and put upon record. The two customs stations in northern Manchuria were opened on the 8th day of July of the present year.

It becomes my duty, therefore, to send this note to your excellency for your information.

A necessary dispatch.

[SEAL OF THE WAI-WU PU.]

File No. 788/98.

Minister Rockhill to the Secretary of State.

No. 673.] AMERICAN LEGATION,
Peking, July 24, 1907.

SIR: In further reference to my telegram of July 8[b] and my dispatch, No. 666, of the 10th instant, announcing the conclusion of an arrangement between the Chinese Government and the Russian minister for the opening of custom-houses on the frontier of northern Manchuria and for other purposes, I regret that I have been unable to secure copies of the notes exchanged on this occasion. I gather, however, from reliable sources, that the arrangement, which is to be revised after a year, provides for the opening of custom-houses, or rather branch stations of the custom-house situated at Harbin, at the frontier stations of Manchuli (or Manchuria) and at Shui-fen-ho (or Pogranitchnaya), both on the Chinese Eastern Railway. It also provides that at each of the stations of the Chinese Eastern Railway on Chinese territory, a certain area, varying from 3 li to 10 li in radius, shall be considered as a free zone in which Russian goods brought by rail and which have paid two-thirds import duty can be sold without the payment of the inland taxes. Harbin is, I believe, the only locality at which the zone is 10 li (3⅓ miles) in radius.

I will send the department copies of the notes exchanged as soon as I can secure them.

I have, etc.,

W. W. ROCKHILL.

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[a] See agreement between Chinese Government and Russo-Chinese Bank, etc., September 8, 1896, Article X, paragraph 2 (p. 214, Treaties and Conventions with China, etc.).—W. R.

[b] Not printed.

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File No. 788/70–76.

The Secretary of State to Consul-General Straight.

No. 31, Consular.] DEPARTMENT OF STATE,
Washington, July 26, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 72, of May 21, 1907, confirming your cipher telegram of May 20 and transmitting copy of your dispatch, No. 105, to the legation at Peking, with reference to the agreement of the Chinese foreign office to exempt foreign goods from inland taxation within the open cities.

The department commends you for the ability with which you have thus far conducted your part in this matter.

I am, etc.,

For the Secretary of State:

W. J. CARR,
Chief Clerk.

File No. 788/112–118.

Chargé Fletcher to the Secretary of State.

No. 759.] AMERICAN LEGATION,
Peking, October 14, 1907.

SIR: I have the honor to inclose herewith the correspondence relating to the matter of the preferential treatment accorded by the customs regulations, in violation of treaty stipulations, to trade from Hongkong and Macao to the open ports and ports of call on the West River, as against trade from Canton.

The regulations allowed merchandise to be shipped from Hongkong and Macao to "ports of call" on the West River upon payment of one duty, whereas foreign merchandise coming through Canton or another Chinese open port had to pay one duty and a half—that is, one duty on arrival at Canton and one-half duty at the port of call.

The matter was taken up by the legation with the Waiwu Pu on the representations of the agent of the Standard Oil Company at Canton and, as will be seen from Prince Ch'ing's note of the 8th instant, has been satisfactorily settled, and hereafter foreign goods entering a port of call or open port on the West River will be subject to likin unless they pay the extra half duty, which is payable upon goods entering from an open port of China. Under the old practice no likin was paid. American trade at Canton will henceforth be able to compete on a footing of equality with the trade of Hongkong and Macao on the West River.

I have, etc., HENRY P. FLETCHER.

[Inclosure 1.]

Consul-General Bergholz to Minister Rockhill.

AMERICAN CONSULATE-GENERAL,
Canton, June 5, 1907.

SIR: I have the honor to forward a copy of a letter dated the 3d instant, from Mr. Cameron, the attorney for the Standard Oil Company at Canton, inclosing

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correspondence between himself and the maritime customs regarding the disadvantage under which he labors in disposing of oil along the West River in competition with Hongkong firms. His letter fully explains the situation, and a visit I paid yesterday to the commissioner of customs corroborates his contention.

When Kongmoon, Samshui, and Wuchow, on the West River, were opened to foreign trade, foreign steamers, inland-water steamers, and local steamers running to West River ports without leaving Chinese waters were authorized to land and ship goods at the following six stages or ports of call: Kumchuk, Paktauhua, Shiuhing, Lotinghau, Takhing, and Dosing. Goods carried on steamers from foreign ports, Hongkong, Macao, etc., and intended for West River treaty ports, pay a single import duty at the port of destination, and at Kongmoon, Samshui, or Canton, if destined for a port of call. Merchants at Hongkong, therefore, can ship oil to any ports of call by paying duty at either of three treaty ports just mentioned. The Standard Oil Company could do the same by shipping its oil from Hongkong, but it has oil tanks at Canton, which is its storage and shipping center for southern China. From Canton to West River ports its oil is carried on lighters, towed by its American launches, which navigate the inland waters under inland-water regulations, which require goods carried to go under transit passes. Where the merchants at Hongkong pay but one import duty, the Standard Oil Company pays a duty and a half, full duty at Canton and the half duty for a transit pass.

The customs tells me that when the regulations governing the trade on the West River were promulgated, it was never thought that foreign goods would be shipped to West River ports from Canton, as the distance from Hongkong to the West River is much shorter than from Canton. I am told, confidentially, that the complaint of the Standard Oil Company has been referred to the inspector-general of customs, and that he recognizes the disabilities it labors under in competition with oil from foreign ports and that should the legation take the matter up he would recommend, not that the regulations be amended, but that the company be permitted to ship oil from Canton under the same privileges enjoyed by its Hongkong competitors.

I have, etc.,

LEO BERGHOLZ.

[Subinclosure 1.]

Mr. Cameron to Consul-General Bergholz.

JUNE 3, 1907.

SIR: We have the honor to advise you that in accordance with the "Regulations of trade on the West River," merchants can ship cargo from Hongkong to ports of call on the West River by the payment of one import duty at Samshui. We in Canton, in order to ship to ports of call on the West River, are compelled to take out transit passes, the commissioner of customs at Canton having refused to allow us to ship under exemption certificate.

You can readily see that we are at a great disadvantage as compared with Hongkong merchants; while they pay only one import duty, we pay a duty and a half (full duty at Canton and a half duty for a transit pass).

Inclosed herewith we beg to hand you copy of a letter addressed by us to the commissioner of customs at Canton, dated April 17, 1907, wherein we request that he take the matter up with the inspector-general of customs at Peking, with a view to affording us relief. We now have the honor to ask that you lay this matter before the American minister at Peking and request him to confer with the proper authorities there to assist. We regret that we can not forward you a copy of the regulations governing trade on the West River, as we have only one copy in our possession.

Etc., etc.,

D. H. CAMERON, *Attorney.*

[Subinclosure 2.]

Mr. Cameron to Commissioner King.

APRIL 17, 1907.

SIR: We have the honor to acknowledge the receipt of your No. 186, of 15th of April, advising that you can not reconsider the ruling given in the matter of granting us exemption certificate for oil shipped to West River ports of call.

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Under the present rules and regulations we are laboring under great disadvantages as compared with the Hongkong merchants, and we will be glad if you can see your way clear to put the matter before the inspector-general of the imperial maritime customs at Peking, with a view to affording us relief.

As previously pointed out, the Hongkong merchant can ship oil from Hongkong to ports of call on the West River by the payment of one full import duty at the treaty port of Samshui. We, in order to ship to the same ports, are compelled to take out transit passes for oil on which we have already paid full import duty at Canton. The discrimination in favor of Hongkong merchants is obvious.

We wish to be allowed to ship oil from Canton to West River ports of call under exemption certificate issued by the imperial maritime customs at Canton. The oil will be conveyed by our own lighters, towed by our own American-registered towboat *Comet* (trading under inland water regulations).

In support of our request, we beg to point out that we have erected a large installation at Canton in order to develop and improve trade throughout this territory. We are paying out thousands of dollars every year to local Chinese to whom we give employment. Our big ships, both steam and sail, are bringing us cargo direct from America, and the tonnage dues they pay to the Chinese customs are considerable. Our tanks are bonded, but we do not take advantage of bonded privileges; instead, we pay duty on all cargo as soon as received. This does away with the inconvenience of having a customs officer visit our plant to measure tanks every time we draw oil from them.

We wish to avoid having to call at Samshui, for not only is it a loss of time to our vessels if we are compelled to do so, but it is dangerous. The lighters we are now using, as well as the one in course of construction, are large craft and difficult to manage in narrow channels such as exists at Samshui. Our oil, both case and bulk, having duty on importation at Canton and examined by a customs officer when shipped to some other port, either under exemption certificate or transit pass, we think you will agree that we are incurring unnecessary risk if we are forced to call in at Samshui.

If the present discrimination is allowed to continue, you can readily understand that it will mean that we in Canton can not compete with other oil merchants in Hongkong, our Canton territory business will suffer, and our output curtailed, so that our importations at Canton will be less, and ships that would bring us cargo will be sent to and discharged at Hongkong instead.

If there are any points not covered in this letter on which you wish further information or particulars, we shall be pleased to furnish them.

We have, etc.,

D. H. CAMERON, *Attorney.*

[Inclosure 2.]

Minister Rockhill to the Prince of Ch'ing.

To F. O. No. 266.] AMERICAN LEGATION,
Peking, June 19, 1907.

YOUR IMPERIAL HIGHNESS: Certain American merchants have established themselves at Canton, China, and have erected at great expense godowns, warehouses, etc., for the sale and distribution of American merchandise in southern China. These merchants find themselves unable to compete with the foreign merchants of Hongkong in trading at the open ports and "ports of call" on the West River, by reason of the "Regulations of trade on the West River."

According to these regulations goods carried on steamers from foreign ports, Hongkong, Macao, etc., and intended for West River treaty ports, pay a single import duty at the port of destination, and at Kongmoon, Samshui, or Canton if destined for a port of call. Merchants at Hongkong, therefore, can ship merchandise to any of the ports of call by paying a single duty at either of the three treaty ports just mentioned. The foreign merchant at Canton, however, must pay full duty and a half, i. e., full duty at Canton, and the half duty for a transit pass to ship his goods to West River ports.

It becomes my duty, therefore, to call the attention of your imperial highness to the fact that by the special article in the British treaty of 1897, and by Article X, of the British treaty of 1892, Samshui, Wuchoufu, Kong Kun, and Kongmoon,

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have been opened as treaty ports, and that in addition to these, six other places viz., Kumchuck, Paktauhau, Shuihing, Lottinghau, Takhing, and Dosing, have been opened as ports of call, "where," it is stipulated, "British steamers shall be allowed to land or ship cargo and passengers, under the same regulations as apply to the ports of call on the Yangtze River."

A most casual reference, however, to Article IV of the regulations of 1898 governing trade on the Yangtze River will show that the regulations of trade on the West River are greatly at variance with those in force on the Yangtze, and I have the honor, therefore, to request your imperial highness to issue instructions to the end that the former regulations be altered to agree in all points with the latter.

Trusting that I may receive an early and favorable reply to this reasonable request,

I avail myself, etc.,

W. W. ROCKHILL.

[Inclosure 3.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

From F. O. No. 309.] FOREIGN OFFICE,
Peking, July 27, 1907.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of June 19th in which you state that there are certain American merchants at Canton who have erected godowns, warehouses, etc., for the sale and distribution of American merchandise; that these merchants find themselves unable to compete with the foreign merchants of Hongkong in trading at the open ports and "ports of call" on the West River by reason of the "Regulations for trade on the West River;" that according to these regulations goods carried on steamers from foreign ports, Hongkong, Macao, etc., and intended for West River treaty ports, pay a single duty at the port of destination, and at Kongmoon, Samshui, or Canton, if destined for a "port of call;" that merchants at Hongkong, therefore, can ship merchandise to any of the treaty ports or "ports of call" on the West River by paying a single duty, while foreign merchants at Canton must pay full duty and a half, i. e., full import duty at Canton, and a half duty for transit pass to ship his goods to West River ports.

Your excellency then pointed out that by the special article in the British treaty of 1897, and by Article X of the British treaty of 1902, Samshui, Wuchoufu, Kong Kun, and Kongmoon were opened as treaty ports, and that in addition six other places viz: Kumchuck, Paktualiau, Shuishing, Lotinghan, Takhing, and Dosing, were opened as ports of call, "where British steamers shall be allowed to land or ship cargo, and passengers, under the same regulations as apply to the ports of call on the Yangtze River." You then further stated that reference to the regulations of 1898 governing trade on the Yangtze River, would show that the regulations for trade on the West River were greatly at variance therewith, and you requested, accordingly, that instructions would be issued to the end that the West River regulations be altered to agree with those in force on the Yangtze.

In reply to the above, I have the honor to state that your note was referred by my board to the superintendent of customs for his consideration and reply, and that such reply has now been received from him, as follows:

"Section III (entitled 'Trade') of the Chinese-British agreement, signed September 13, 1876, provides 'that at certain points on the shore of the Great River, namely, Tat'ng, and Anching in the province of Anhui, Huk'ou in K'anghsi, Wusueh, Luch-ik'ou, etc., in Hukuang * * * steamers shall be allowed to touch for the purpose of landing or shipping passengers or goods; but in all instances by means of native boats only, and subject to the regulations in force affecting native trade.'

"The same section provides also that foreign goods will be passed free of likin upon exhibition of half-duty certificates.

"It is clear, therefore, that foreign goods are required to pay the regular import duty upon arrival at a treaty port, and if transshipped to the ports of call on the Yangtze River they must pay the transit duty of one-half in addition. That is what the regulations demand.

"It is now pointed out that Canton merchants are required to pay full import duty upon foreign goods at Canton, and an additional half duty if they wish

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to ship the same to the West River ports. But this is exactly in accordance with the requirements of the Yangtze River regulations. There is not the slightest difference in their stipulations, and it is therefore unnecessary to make any alterations. Will you kindly reply to that effect?"

It becomes my duty to send this dispatch, incorporating the reply of the superintendent of customs, to your excellency for your information. A necessary dispatch.

[SEAL OF THE WAI-WU PU.]

[Inclosure 4.]

Minister Rockhill to the Prince of Ch'ing.

To F. O. No. 266.] AMERICAN LEGATION,
Peking, August 5, 1907.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of your imperial highness's note of the 26th of July, replying to one which I addressed you on June 19 last in reference to the preferential treatment accorded by the imperial maritime customs to ships from Hongkong, Macao, and other foreign ports at ports of call on the West River.

In the note under acknowledgment your imperial highness quotes the Shui Wu Ch'u as saying in reply to my representations:

"It is clear, therefore, that foreign goods are required to pay the regular import duty upon arrival at a treaty port, and if transshipped to the ports of call on the Yangtze River they must pay the transit duty of one-half in addition. That is what the regulations demand.

"It is now pointed out that Canton merchants are required to pay full import duty upon foreign goods at Canton, and an additional half duty if they wish to ship the same to West River ports. But this is exactly in accordance with the requirements of the Yangtze River regulations. There is not the slightest difference in their stipulations, and it is unnecessary, therefore, to make any alterations. Will you kindly reply to that effect?"

This is quite correct, so far as it goes; it states very exactly the point I have raised, but it does not answer my contention, which is that steamers from foreign ports can and do land goods at any of the ports of call on the West River after payment of the tariff duty only, while foreign goods imported to these same ports of call via Canton are paying (in accordance with the Yangtze regulations) not only the tariff import duty, but inland transit dues as well. It is patent, therefore, that preferential treatment is accorded foreign trade from foreign ports at these localities against foreign trade from Canton, a Chinese port, and, I may be permitted to remark, to the no less evident prejudice of the Chinese treasury.

Article V, paragraph 6, of the West River regulations of 1904, drawn up by the Canton, Samshui, and Kongmoon customs, provides that foreign-going steamers trading in the West River shall pay import duty on cargo from abroad either at the destination treaty port or, when the merchandise is for a port of call, at the port of entry from abroad; and the second half of that paragraph, on domestic trade, states plainly that if goods go from treaty port to port of call and do not pass another treaty port, such goods will pay the import duty only, the result being, as said above, that goods from Hongkong and Macao reach ports of call on the West River after payment of import duty only.

This paragraph 6 is clearly not in accordance (1) with the provisions of Article X, section 2, of the British treaty of 1902, which provides that "British steamers shall be allowed to land or ship cargo and passengers at certain specified ports on the West River under the same regulations as apply to the ports of call on the Yangtze River," and (2) it completely ignores the provisions of section 3 of the Chefoo agreement (relating to collection of likin at ports of call on the Yangtze), to the effect that at such points, "except in the case of imports having transit-duty certificates or exports similarly certificated, which will be severally passed free of likin on exhibition of such certificate, likin will be duly collected on all goods whatever by the native authorities."

I must therefore take exception to the conclusion reached by the Shui Wu Ch'u, as quoted by your imperial highness, when it ends its communication by saying that "it is unnecessary to make any alteration."

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Some alteration is, on the contrary, urgently needed to place the foreign trade of Canton with ports of call on the West River on a footing of equality with foreign trade to the same ports of call from foreign ports. Either foreign goods brought to these ports of call through Canton should be released from the payment of transit dues, as are goods brought there from Hongkong and Macao, or transit dues should be levied on goods imported to these ports of call from Hongkong and Macao in accordance with the provisions of treaty and regulations.

I beg that your imperial highness will give this question your early consideration and favor me with a reply.

I avail, etc.,

W. W. ROCKHILL.

[Inclosure 5.—Translation.]

The Prince of Ch'ing to Chargé Fletcher.

FOREIGN OFFICE,
Peking, October 8, 1907.

YOUR EXCELLENCY: My board recently received a note from Mr. Rockhill with reference to the trade at the ports of call on the West River. In this note his excellency pointed out that foreign goods shipped from Canton to ports of call on the West River should be exempt from the extra half duty, as are goods shipped from Hongkong and Macao; or else that the Hongkong and Macao merchants should be required to pay the other half duty, in accordance with treaty stipulations. He requested that the matter be carefully considered by my board and a reply sent to the legation.

Upon receipt of the above from Mr. Rockhill the matter was referred to the superintendency of customs, from which the following reply has now been received:

"We find that foreign merchandise which has already paid the regular import duty at a treaty port and is then transshipped to a port of call should, according to treaty stipulations, pay an extra half duty for a transit pass before it can be landed. Merchandise not covered by such transit pass should upon arrival at a port of call pay likin duty according to the regulations of that port. This office has therefore instructed the inspector-general of customs to telegraph to the commissioners of customs in Canton and other places, directing them to issue notices to the effect that all foreign goods upon which the regular import duty has been paid, but not the extra half duty, shall upon arrival at a port of call from any port whatever be subject to likin duty, this being only fair and quite in accordance with the treaties, it is not levying any new tax.

"Under this arrangement no preferential treatment as regards duty will be shown to dealers in foreign merchandise, whether they be located at Canton or in a foreign city. Besides sending these instructions to the inspector-general of customs for transmission to the customs authorities in Kwangtung, and telegraphing to the same effect to the viceroy of Liang Kuang, it becomes our duty that you will transmit the information herein contained to the American minister."

I send this reply of the superintendency of customs to your excellency for your information, and request that you will direct compliance with its requirements.

A necessary dispatch.

[SEAL OF THE WAI-WU PU.]

[Inclosure 6.]

Chargé Fletcher to Consul-General Bergholz.

AMERICAN LEGATION,
Peking, October 10, 1907.

SIR: In continuation of my No. 1374 of August 16 last, and replying to your No. 127 of August 21, 1907, I inclose herewith a note from the Wai-wu Pu, dated the 8th instant, which is self-explanatory and which settles the matter of equality of treatment of goods reexported from Hongkong and Canton to West River ports.

I am, etc.,

HENRY P. FLETCHER.

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File No. 788/112–118.

The Secretary of State to Chargé Fletcher.

No. 380.] DEPARTMENT OF STATE,
Washington, December 16, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 759 of October 14 last, inclosing a copy of correspondence relating to the matter of the preferential treatment given by the Chinese customs regulations, in violation of treaty stipulations, to trade from Hongkong and Macao to the open ports and ports of call on the West River as against trade from Canton.

You state that the matter was taken up by the legation with the Wai wu Pu, on the representations of the agent of the Standard Oil Company at Canton, and has been satisfactorily settled; and that hereafter foreign goods entering a port of call or open port on the West River will be subject to likin, unless they pay the extra half duty that is payable upon goods entering from an open port in China.

The department is glad to learn that under the present arrangement, as set forth in the note from the Prince of Ch'ing, dated October 8, American trade at Canton will henceforth be able to compete on a footing of equality with the trade of Hongkong and Macao.

The department is gratified that the action of the Chinese Government has removed so completely the discrimination against American trade which existed heretofore.

I am, etc., E. ROOT.

RECIPROCAL PROTECTION OF TRADE-MARKS AND COPYRIGHTS IN CHINA.

[Continued from Foreign Relations, 1906, pp. 228 et seq.]

File No. 406/22.

Minister Rockhill to the Secretary of State.

No. 488.] AMERICAN LEGATION,
Peking, December 24, 1906.

SIR: In further reference to the subject of the arrangement by exchange of notes with such of my colleagues as may be duly authorized by their Governments for that purpose for the reciprocal protection of our trade-marks in China, I have the honor to inform you that the Spanish minister has advised me that he was unable to exchange such assurances with me, as Spanish consuls in China were not empowered to hear cases involving infringement of trade-marks.

I have, etc.,

W. W. ROCKHILL.

File No. 406/22.

The Acting Secretary of State to Minister Collier.

No. 107.] DEPARTMENT OF STATE,
Washington, February 18, 1907.

SIR: In the year 1895, by means of an exchange of notes between the consul-general of the United States and the British minister at

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Tangier, an agreement was entered into between the United States and Great Britain for the protection in Morocco of American trade-marks registered in Great Britain and British trade-marks registered in the United States against infringement by persons subject to the jurisdiction of the consular courts of the two nations, parties to the agreement, action for infringement lying in those courts.

In 1901 a similar agreement was concluded between the United States and the German Empire, and in 1904 between the United States and Italy.

In 1905 similar agreements were concluded between the United States and some of the European powers applying to the Chinese Empire.

It appears from a recent dispatch from the American minister at Peking (copy inclosed) that he was advised by the minister of Spain that he was unable to conclude such an arrangement by exchange of notes, for the reason that consular officers of Spain have no jurisdiction in such cases.

The department will be pleased to have you inquire if the lack of consular jurisdiction in China exists also in Morocco, and whether it is a casus omissus of Spanish legislation in regard to consular functions, or is merely an omission to make appropriate regulations in the matter.

I inclose two copies of all the agreements made by the United States, both for Morocco and China.

I am, etc., ROBERT BACON.

File No. 406/52–54.

Minister Rockhill to the Secretary of State.

No. 567.] AMERICAN LEGATION,
Peking, March 25, 1907.

SIR: In further acknowledgment of your instruction No. 226 of December 21, 1906,[a] I have the honor to inform you that I communicated the substance of this instruction to the diplomatic representatives of Austria-Hungary, France, Germany, Great Britain, and Italy, who compose the committee appointed in 1905 by the diplomatic body for the drafting of a project of regulations for the protection of trade-marks in China.

I inclose copy of the note I addressed to the French minister on the subject. Those sent to his colleagues on the committee were substantially the same.

I gather from the replies I have received to these notes, as well as from conversations with my colleague, that they are without instructions on the matter and that they have had to refer the question of the acceptance of the additional clause to Article VII of the draft to their Governments.

The whole question of protection of trade-marks has been complicated within the last three months by the Chinese ministry of com-

[a] See Foreign Relations, 1906, p. 259.

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merce preparing and submitting to the diplomatic body, through the Wai wu Pu, a new draft of regulations (copy of which I inclose), which differs very materially from the draft of the diplomatic body—the one we accept with the additional clause to Article VII.

The Wai wu Pu has asked the diplomatic body to give acceptance to the regulations of the ministry of commerce, but no reply has been made or indication given that these regulations will even be considered.

Even the diplomatic body's regulations seem no longer to find favor with the whole commercial world. I am given to understand that an attempt may be made to introduce some further modifications into them before forwarding them to the Chinese Government. At all events, final action on the part of the diplomatic body seems as remote as ever. I will do all I can to hasten it.

The secret of the lack of interest in the adoption and putting into force of regulations for the protection of trade-marks in China seems to be the general belief of business men that foreign interests need have no apprehension of suffering from infringements and fraudulent imitations of trade-marks by the Chinese for years to come; while they contend at the same time that protection in China against Japanese infringements of trade-marks is most urgent and should precede any attempt on the part of China to protect foreign trade-marks.

I have, etc., W. W. ROCKHILL.

[Inclosure 1.]

Minister Rockhill to the French minister.

AMERICAN LEGATION,
Peking, February 27, 1907.

MR. MINISTER AND DEAR COLLEAGUE: I have the honor to inclose herewith for your information a copy of a note addressed by the ambassador of the French Republic in Washington to the Secretary of State of the United States, advising him that the Government of the Republic sees no objection to the inclusion in the draft regulations for the protection of trade-marks in China, prepared by a committee of the diplomatic representatives in Peking, of the following clause deemed necessary by the American Government, at the end of Article VII:

"The right of priority shall extend only to such trade-marks as have been registered in a foreign country after the going into effect of the law."

Subject to this addition, my Government has authorized me to inform the diplomatic representatives of the powers in Peking that it accepts the above-mentioned project of regulations.

The German ambassador in Washington has also informed the Secretary of State of the United States that the German Government would offer no objection to the insertion of the above-quoted clause.

I am writing to our colleagues, the ministers of Austria-Hungary, Germany, and Great Britain, and to the chargé d'affaires of Italy, who are with you on the committee, informing them of the above facts and expressing the hope that they will likewise concur in the insertion of the clause quoted.

I trust that your committee will be able to secure the acceptance of the additional clause by the representatives of the powers at Peking, when efforts may be made to induce the Chinese Government to put the regulations into effect.

I avail myself, etc., W. W. ROCKHILL.

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[Inclosure 2.]

The Wai-wu Pu to Minister Rockhill.

PEKING, *December 5, 1906.*

YOUR EXCELLENCY: I have just received the following communication from the board of agriculture, industries, and commerce:

"The bureau of trade-marks, connected with the board ever since the winter of last year, has given special attention, in conjunction with the official advisers of the bureau, to the preparation of regulations and the establishment of the necessary offices. All being now reported as complete, it becomes urgently necessary to arrange for the commencement of operations.

"We find that year before last various representatives of foreign governments in Peking made objections (to the proposed regulations), the most important of which related to two matters: The provisions for judicial decisions and the fees. In the new regulations it is definitely stated that the judicial procedure shall be in accordance with the provisions of the Chefoo convention and the Tientsin treaties with regard to criminal suits. As to the fees, these, too, have had our careful consideration and have been reduced by one-third, in substantial agreement with the views of the several representatives of the foreign powers in Peking. We have the honor now to forward herewith copies of the new regulations which have been prepared, and to request that your board will transmit them to the various representatives of the powers in Peking for their consideration, with request for an early reply, so that we may fix a date for putting them into force."

It becomes my duty, therefore, to send your excellency a copy of the new trade-mark regulations which have been prepared, that you may examine them and send me an early reply, that I may communicate the same to the board of agriculture, industries, and commerce, so that a date may be fixed for putting the said regulations into force.

A necessary dispatch.

[SEAL OF THE WAI-WU PU.]

File No. 406/50–51.

Minister Collier to the Secretary of State.

No. 288.] AMERICAN LEGATION,
Madrid, April 6, 1907.

SIR: In Instruction No. 107 I was informed that the American minister in Peking had reported that the Spanish minister at that capital had advised him that he was unable to conclude by exchange of notes an arrangement for the protection of trade-marks in China similar to those made by the minister of the United States and the ministers of certain other nations at Peking, for the reason that consular officers of Spain had no jurisdiction in such cases. Pursuant to the department's directions in said instruction I inquired of the minister of state "if the lack of consular jurisdiction in China exists also in Morocco, and whether it is a casus omissus of Spanish legislation in regard to consular functions, or is merely an omission to make appropriate regulations in the matter." I inclose copy (with translation) of his reply, dated March 30, but received April 4. By this it appears that Spanish ministers in Morocco have several times made agreements by exchange of notes with the ministers of other countries by virtue of which jurisdiction in trade-mark cases has been assumed by Spanish consular courts in Morocco.

At the diplomatic reception yesterday I asked the minister of state if Spanish consular courts in China were not competent to exercise a similar jurisdiction in case a like exchange of notes were made. He replied that he knew no reason why they could not exercise the same jurisdiction.

I am, etc., WM. MILLER COLLIER.

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[Inclosure.—Translation.]

No. 31.] MINISTRY OF STATE,
Madrid, March 30, 1907.

EXCELLENCY: In answer to your courteous note of the 5th instant, in which your excellency declared the desire of knowing if the Spanish consuls in Morocco are authorized to subject to their jurisdiction the counterfeiters of trade-marks who may be Spanish and may commit the offense in said Empire, I have the honor to inform your excellency that, by means of exchanges of notes made in Tangier in 1899, 1900, and 1904, there was extended to Morocco the protection conceded to trade-marks registered in England, Germany, Austria-Hungary, France, and Italy, whose Governments enjoy reciprocally equal benefits upon the part of Spain, the counterfeiters being subject to the consular tribunal of their nationality.

I avail, etc., MANUEL ALLEN DE SALAZAR.

File No. 406/50–51.

The Secretary of State to Minister Rockhill.

No. 286.] DEPARTMENT OF STATE,
Washington, May 2, 1907.

SIR: Referring to your dispatch, No. 488, of December 24 last, stating that the Spanish minister to China has informed you that he is unable to exchange notes with you, for the purpose of effecting an arrangement for the reciprocal protection of American and Spanish trade-marks in China, I inclose herewith for your information a copy of correspondence on the subject [a] between the department and our minister to Spain.

It will be seen from Mr. Collier's dispatch that the Spanish Government is willing that such an exchange should be made.

You will, therefore, bring the matter to the attention of your Spanish colleague, and proceed with the exchange of notes.

I am, etc.

E. ROOT.

File No. 406/62–64.

Minister Rockhill to the Secretary of State.

No. 631.] AMERICAN LEGATION,
Peking, June 3, 1907.

SIR: In further reference to your unnumbered instruction of January 30 [b] last, directing me to "proceed to endeavor to negotiate a convention which will really afford protection to American books," to take the place of Article XI of the treaty of October 8, 1903, which the department considers almost worthless, I addressed to the Prince of Ch'ing on April 23 last the note, a copy of which I inclose.

After sending this note to the Wai-wu Pu, I on several occasions brought up the subject in conversation with the officials of that department, among whom I found very slight disposition to consider the subject.

I am now in receipt of a reply to my note of April 23, in which the Prince of Ch'ing declines to reopen the revision of Article XI of the treaty of 1903 before the end of ten years, as provided for in

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[a] Supra. [b] Not printed.

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Article XVIII, paragraph 3 of said treaty, while stating at the same time that the provisions of Article XI of this treaty were satisfactory to our Government at the time, and that in the two years and a half which have since then elapsed "conditions in China have not undergone any great change."

I have, etc., W. W. ROCKHILL.

[Inclosure 1.]

Minister Rockhill to the Prince of Ch'ing.

AMERICAN LEGATION,
Peking, April 23, 1907.

YOUR IMPERIAL HIGHNESS: Article XI of the commercial treaty of 1903 between the United States and China provides as follows:

"Whereas the Government of the United States undertakes to give the benefits of its copyright laws to the citizens of any foreign State which gives to the citizens of the United States the benefits of copyright on an equal basis with its own citizens;

"Therefore the Government of China, in order to secure such benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions upon which it agrees to protect trade-marks, to all citizens of the United States who are authors, designers, or proprietors of any book, map, print, or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving, or translation in the Empire of China during ten years from the date of registration. With the exception of the books, maps, etc., specified above, which may not be reprinted in the same form, no work shall be entitled to copyright privileges under this article. It is understood that Chinese subjects shall be at liberty to make, print, and sell original translations into Chinese of any works written or of maps compiled by a citizen of the United States. This article shall not be held to protect against due process of law any citizen of the United States or Chinese subject who may be author, proprietor, or seller of any publication calculated to injure the well-being of China."

No regulations have as yet been adopted by the Imperial Chinese Government for the enforcement of this agreement and, in consequence of the great changes that have taken place in China since the ratification of this treaty, and in view of the growing demand in China, under these new conditions, for American books, maps, etc., my Government finds the provisions of the article quoted entirely inadequate to the proper protection of American copyrights, and instructs me to request the Imperial Chinese Government to agree to a revision of Article XI of the treaty named, or, if preferred, the negotiation of a copyright convention.

I have the honor, therefore, to inform your imperial highness that my Government has empowered me to enter upon such negotiations, and to request your imperial highness to consent to the proposed revision or negotiation and to appoint and empower some representative of the Imperial Chinese Government to take up this question with me.

Trusting that your imperial highness will agree to this very reasonable request of my Government, and that I may receive an early reply to this effect, I avail myself, etc.,

W. W. ROCKHILL.

[Inclosure 2.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

No. 284.] FOREIGN OFFICE,
Peking, June 1, 1907.

YOUR EXCELLENCY: On April 24, 1907, I had the honor to receive your excellency's dispatch saying: "No regulations have as yet been adopted by the Imperial Chinese Government for the enforcement of Article XI of the com-

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mercial treaty of 1903, and, in consequence of the great changes that have taken place in China since the ratification of this treaty, and in view of the growing demand in China under these new conditions for American books, maps, etc., my Government finds the provisions of the article quoted entirely inadequate to the proper protection of American copyrights and instructs me to request the Imperial Chinese Government to agree to a revision of Article XI of the treaty named, or, if preferred, the negotiation of a copyright convention."

With regard to this matter, I observe that the Imperial Chinese Government having negotiated a treaty with your honorable Government, and the treaty having been signed, it becomes at once the basis of mutual action on the part of the two governments one toward the other, and there is no occasion for revising any regulations for the enforcement of the article named. Moreover, it has not been very long since this treaty was negotiated, and the conditions in China have not undergone any great change. As to the statement that there is at present in China a growing demand for American books, maps, etc., the treaty itself provides that "with the exception of any book, map, print, or engraving especially prepared for the use of the Chinese people, Chinese subjects shall be at liberty to reprint any books, etc., published by American citizens." It appears, therefore, that the reproduction by Chinese subjects of any American books, etc., if not especially prepared for Chinese, is not forbidden by the treaty. The provision referred to above was adopted after mutual discussion and changes at the time, and your honorable Government, since it found it satisfactory, was willing to sign.

The ten-year period, at the expiration of which it is provided that revision may be demanded, has not yet expired, and, according to the principles which obtain in regard to treaties between the powers, there does not seem to be any warrant for a sudden request whenever one pleases for revision or a new convention.

As to the request that the Imperial Chinese Government should appoint a representative and empower him to negotiate with regard to this matter, my board finds it difficult to take any such action. Your excellency is thoroughly acquainted with the principles of justice, and must see that what I have said is right. It becomes my duty therefore to send this as my reply for your consideration.

A necessary dispatch.

[SEAL OF THE WAI-WU PU.]

File No. 406/52–54.

The Secretary of State to Minister Rockhill.

No. 310.] DEPARTMENT OF STATE,
Washington, June 13, 1907.

SIR: I inclose herewith copy of the communication, with which the department has referred to the Patent Office for its information, a copy of the trade-mark regulations prepared by the Chinese authorities which accompanied your dispatch, No. 567, of March 25, 1907.

It would have been of interest to the department to gain a more specific idea of the objections which the committee of the diplomatic corps may have to the Chinese draft.

The intimation that still further modifications to the diplomatic draft may be suggested, and that final action upon it seems as remote as ever, is discouraging. If progress by this committee is so hopeless, it may be advisable to expedite matters so far as American trade-marks are concerned by independent and direct negotiations with the Chinese Government.

It is difficult to accept in explanation of the delay the general belief which you describe that foreign interests need have no immediate apprehension of infringement of trade-marks by Chinese, while the danger from Japanese is appreciated. The danger of Japanese infringement in China is doubtless great. As you are aware, we are

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endeavoring to negotiate at Tokyo a treaty whereby the protection of American trade-marks in Japan will be made extraterritorial in extending to Korea and China. Even with such an arrangement secured, and even if Chinese subjects were not given to infringing American trade-marks, there would still be in the absence of formal protection against Chinese infringement the likelihood that Japanese or other foreigners in China would carry out their piracies under Chinese names or through Chinese agents. The department, moreover, has heard of a number of infringements of American trade-marks by Chinese subjects.

I have, etc., E. ROOT.

[Inclosure.]

The Secretary of State to the Secretary of the Interior.

DEPARTMENT OF STATE,
Washington, June 13, 1907.

SIR: By reference to a previous correspondence of considerable length which has passed between the Department of State and the Department of the Interior, it will be recalled that draft trade-mark regulations for China which were drawn up by the representatives at Peking of Austria-Hungary, France, Great Britain, Germany, and Italy were agreed to by the United States upon the conditions of the inclusion of certain amendments which were suggested by the Patent Office. The French and German representatives at Washington signified that their Governments saw no objection to the changes desired by the United States. Our minister at Peking has formally communicated the proposed changes to the five representatives at that capital who compose the committee appointed in 1905 by the diplomatic body for the drafting of the projected regulations for the protection of trade-marks in China. It appears, however, that the members of the committee have not yet received instructions to enable them to incorporate our amendments in the draft and are not yet in a position to proceed with the effort to get the regulations put into effect.

Meanwhile the Chinese ministry of commerce has prepared and submitted to the diplomatic body a new draft of regulations, a copy of which I have the honor to inclose together with the legation's dispatch No. 567 of March 25, 1907, which throws light upon the present phase of these negotiations.

For the guidance of the department in this important matter, I have the honor to request that you will kindly obtain for me an expression of the expert opinion of the Patent Office as to the relative merits of the diplomatic and the Chinese drafts, and as to whether the latter, if accepted, would be satisfactory to American interests.

Very faithfully, yours, E. ROOT.

File No. 406/69.

Minister Rockhill to the Secretary of State.

No. 642.] AMERICAN LEGATION,
Peking, June 14, 1907.

SIR: In compliance with the department's instruction No. 286 file No. 406/50–51), dated May 2 last, I have the honor to report that I again brought the matter of an arrangement for the reciprocal protection of our trade-marks in China, by an exchange of notes, to the attention of the Spanish minister here, communicating to him verbally also the statement of the Spanish minister for foreign affairs to our minister to Spain, to the effect that he knew of no reason why Spanish consuls in China could not exercise the same jurisdiction as in Morocco.

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I inclose a translation of his reply, in which he again informs me that this is not the case in China, and that he will have to await the formal instructions of his Government, which he has asked for, before complying with my request.

In this same connection I inclose translation of a note from the Austro-Hungarian minister, stating that he is also without the necessary instructions enabling him to effect the desired arrangement. He informs me that he has requested instructions from his Government. I would suggest that our ambassador at Vienna be directed to call this matter to the attention of the Austro-Hungarian Government with a view to having the necessary instructions given.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.—Translation.]

The Austro-Hungarian Minister to Minister Rockhill.

PEKING, *June 11, 1907.*

MR. MINISTER AND DEAR COLLEAGUE: In acknowledging the receipt of your letter dated June 10 on the subject of an exchange of notes for the reciprocal protection of our trade-marks in China, I regret not being in position to comply with your wishes, as I have not yet received the instructions asked from my Government. However, I shall not fail to remind my Government of the urgency of this matter, and inform you of the result.

Accept, etc. KUCZYNSKI.

[Inclosure 2.—Translation.]

The Spanish Minister to Minister Rockhill.

PEKING, *June 18, 1907.*

MY DEAR COLLEAGUE: I have had the honor to receive your letter of yesterday's date proposing an exchange of notes between our two legations, recognizing that our nationals may prosecute and be prosecuted before the respective consular tribunals in China for the counterfeit of trade-marks owned by them and duly registered in the country of the person accused of infringement.

In making this request you rely upon the fact that, according to the letter addressed to the representative of the Republic at Madrid, March 30, 1907, by his excellency the minister of state, the Spanish consuls in Morocco have jurisdiction over their nationals in the matter before us. This, as I have already had occasion to say to you, is not the case in China, and, deferring with pleasure to your wish, I have again addressed my Government to-day, requesting the necessary instructions. As soon as I shall have received the reply I will have the honor of communicating it to you.

Accept, etc., M. DE CABCER.

File No. 406/66.

Minister Rockhill to the Secretary of State.

No. 659.] AMERICAN LEGATION,
Peking, June 29, 1907.

SIR: In further acknowledgment of your instruction, No. 291, of May 10 last,[a] in regard to the negotiating of a copyright convention with China, and notwithstanding the fact that the Chinese Government has declined to discuss the question of a revision of Article XI of the treaty of October 8, 1903, until the time fixed for revision in

[a] Not printed.

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said treaty, i. e., ten years, has arrived, I think it may be possible to reopen the case at a later date with the Wai-wu-Pu with some chance of success. For some months past, as you are aware, the Government of China has been making such sudden and constant changes in the offices at Peking that it has been next to impossible to secure the attention of the Wai-wu-Pu to any question, even the most urgent and important. What little time the high officials have had to give to the consideration of foreign affairs has been taken up with negotiations with the Japanese and Russians. At the present time there is only one person in the Wai-wu-Pu with any authority, the senior minister, Na-tung, and he is burdened with a number of other offices.

When the new junior minister, Lu Hai-huan, and the new assistant secretaries have taken up their duties in the foreign office, which they will probably do before next autumn, it is to be hoped that more time will be found for the transaction of business with the foreign representatives. I will at the first favorable opportunity bring this matter to their attention, and trust that it may be possible to get them to reconsider the decision taken in their note of June 1, sent to you in my No. 631 of June 3, 1907.

I have, etc., W. W. ROCKHILL.

File No. 406/66.

The Acting Secretary of State to Minister Rockhill.

No. 339.] DEPARTMENT OF STATE,
Washington, August 2, 1907.

SIR: In acknowledging the receipt of your dispatch, No. 631, of June 3 last, which describes the initiation of negotiations for a proper copyright agreement with China, and with which are inclosed copies of your note of April 23 to the Prince of Ch'ing and of the reply of the foreign office thereto, dated June 1, the department is constrained to express some surprise at the blunt reply of the Chinese Government, which appears to have shown no spirit of accommodation and no inclination to a fair-minded consideration of the merits of the case.

Your dispatch, No. 659, of June 29, the receipt of which is also acknowledged, would seem, however, to give good ground for the hope that at a somewhat later date the conditions will be more favorable for the resumption of these important negotiations, to which, at the proper time, the efforts of the legation should again be vigorously directed. It is hoped that the return of Sir Chentung may, among other factors, serve to improve the disposition of the Wai-wu-Pu in regard to this matter.

I am, etc., ALVEY A. ADEE.

File No. 406/69–71.

The Acting Secretary of State to Minister Collier.

No. 145.] DEPARTMENT OF STATE,
Washington, August 3, 1907.

SIR: Referring to previous correspondence in regard to the protection of United States and Spanish trade-marks in China, I inclose copy of a dispatch [a] from the American minister at Peking reporting

[a] Supra.

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that the Spanish minister at that place does not regard himself as able to effect the agreement by exchange of notes unless he receives specific instructions in the matter.

The department hopes that the instructions referred to will be given.

I am, etc., ALVEY A. ADEE.

File No. 406/69–71.

The Acting Secretary of State to Chargé Rives.

No. 139.] DEPARTMENT OF STATE,
Washington, August 8, 1907.

SIR: Agreements by the United States with Great Britain, Germany, Italy, France, Belgium, the Netherlands, Russia, and Denmark for the reciprocal protection of trade-marks in China have been effected by exchange of notes between the American minister at Peking and that of the diplomatic representatives at that capital of the governments mentioned. A copy of the agreement with France is herewith inclosed as a sample.

It appears from a dispatch recently received from our minister, Mr. Rockhill, that on June 10 last he made an overture to the Austro-Hungarian minister at Peking for an exchange of notes by which the reciprocal protection of duly registered trade-marks of either country would be protected against infringement by the citizens or subjects of the other in China.

To this note the Austro-Hungarian minister replied on the following day that he was without the necessary instructions enabling him to effect the desired arrangement, but that he had requested them of his Government.

Agreeably to the suggestion made by Mr. Rockhill to it, the department will be pleased to have you bring the matter to the attention of the foreign office with a view to obtain, if possible, the issuance of the necessary instructions to the Austro-Hungarian representative at Peking.

I am, etc., ROBERT BACON.

File No. 406/69–71.

The Acting Secretary of State to Minister Rockhill.

No. 343.] DEPARTMENT OF STATE,
Washington, August 13, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 642, of the 14th of June last, in further reference to the protection of foreign trade-marks and copyrights in China, and stating the positions assumed by the ministers of Spain and Austria-Hungary with reference to the matter.

In reply, I have to inform you that a copy of your dispatch has been forwarded to the American minister at Madrid, with an expression of the hope that the Spanish minister at Peking will receive instructions in the sense indicated by you as desirable. The matter has also been described to the embassy at Vienna, a copy of Mr. Kuczynski's note to you being inclosed, and the embassy instructed to bring the matter to attention of the foreign office.

I am, etc., ALVEY A. ADEE.

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File No. 406–96.

Minister Rockhill to the Secretary of State.

No. 710.] AMERICAN LEGATION,
Peking, August 30, 1907.

SIR: I have the honor to inclose herewith newspaper clippings stating that a proclamation has been issued by the Shanghai taotai for the protection of British trade-marks from infringement in his district.

I have suggested to our consul-general at Shanghai (copy inclosed) that he endeavor to secure similar protection for American trade-marks in that district.

I have, etc., W. W. ROCKHILL.

[Inclosure 1.]

[Extract from the North-China Daily News, Shanghai, August 20, 1907.]

TRADE-MARKS IN CHINA.

We are glad to be able to call attention to a proclamation which has recently been issued by his honor the Shanghai taotai, on the subject of the infringement of British trade-marks by Chinese. From the free translation, which we give in another column, it will be seen that the Taotai Jui has readily responded to the request of his majesty's consul-general, and has taken the most practical steps in his power to check an evil which has formed the subject of very general complaint throughout China. The proclamation in question recognizes the existence of this "very intolerable business competition," and, although in deference to the wishes of the Chinese Chamber of Commerce special stress is laid upon two kinds of articles, cigarettes and soaps, the purport of the document is to prevent the general infringement of trade-marks within the jurisdiction of the taotai. Such a proclamation has the force of law, and, in view of the good relations now subsisting between British and Chinese authorities, of which the proclamation is a happy illustration, there can be no doubt that punishment will be meted out to those who offend against its provisions. It is not the first occasion on which Taotai Jui has met the wishes of his majesty's consul-general in similar matters and it is right that such action should receive general recognition.

The need for such a proclamation arises from the fact that in spite of article 7 of the treaty of Shanghai of 1902 nothing has yet been done by the Chinese Government to protect British trade-marks against infringement, imitation, or colorable imitation by Chinese subjects. Nor has the Chinese Government fulfilled its undertaking "to establish offices within the jurisdiction of the superintendents of northern and southern trade where foreign trade-marks may be registered on payment of a reasonable fee."

The first attempt on the part of the Chinese Government to carry out the provisions of this article was the appearance of some draft regulations drawn up by the board of commerce in 1904. As this document proved altogether unacceptable to the representatives of several powers, steps were taken in the following year to prepare a series of trade-mark regulations embodying the main views of foreign governments. For fifteen months or more the Chinese Government successfully ignored this document, and in November, 1906, produced yet another set of regulations which again bore no relation to foreign wishes on the subject. Very rightly, the representatives of the powers in Peking will have nothing to do with this fresh draft and insist that the document prepared by them in 1905 should form the basis of all further negotiations. As far as can be judged, the attitude adopted by the Chinese authorities is prompted as much by inability to grasp the importance of the subject as by a foolish anxiety to get the better of foreign merchants. Provided the registration of trade-marks can be made sufficiently remunerative to the Government, they affect to see no reason for the full protection of industrial property.

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This attitude of the Peking Government throws into stronger relief the action of Taotai Jui in meeting British wishes, in so far as his jurisdiction is concerned; the more so as he has had occasion to complain, himself, of the indiscriminate publication, by foreign publishing houses in the settlement, of Chinese books, to the detriment of native publishers. In the actual circumstances obtaining no breach of the law has been committed by the foreign publishers, but it is natural that it should appear strange to the Chinese mind that the evil can not be remedied by the simple procedure of issuing a proclamation. China's redress, however, in this matter can only lie in her becoming a party to the international convention of 1883 for the protection of industrial property. In the meantime it must be admitted that she sins in the matter of the infringement of trade-marks more than she is sinned against. The latest complaint comes from Japan, and although there is much truth in the Japanese allegations it is to be feared that any aspersions cast upon China at the present juncture are intended as a counterblast to the charges brought against Japan herself. Of the powers mainly interested in trade and commerce in the Far East, the United Kingdom, the United States, Germany, and Italy have agreed to afford their nationals mutual protection in the matter of trade-marks. As the Japanese Government has refused to join this group it has to face all responsibility for the offenses against international copyright committed by unscrupulous Japanese merchants and others, and no amount of protestation or inveighing against Chinese shortcomings will satisfy foreign traders of the sincerity of the Japanese Government in protecting individual property in its own country. It is possible that the unsatisfactory attitude of Japan in this matter, her failure to cooperate with the four powers in protecting the interests of their nationals, and the bad example set by individual Japanese are responsible for the dilatoriness displayed by China in carrying out her treaty obligations.

TRADE-MARKS.

The following is a free translation of a proclamation recently issued by his honor Taotai Jui Chêng on the subject of British trade-marks:

I, Jui Chêng, the taotai of Shanghai, etc., do hereby issue this proclamation for the information of the public that H. B. M. consul-general Sir P. L. Warren has written me to the effect that he has repeatedly received complaints from British merchants in regard to Chinese manufacturing and retailing certain qualities of English-made goods, purporting same to be manufactured by those factories, for which they (the British merchants) are the sole agents. This is a great detriment to the British interests. The quality of the goods, which are imitated according to English patterns, is very poor and of great difference, although the packing, color, pattern, and chop are quite similar to those of English make. Therefore, when the Chinese is charged with copying patterns he generally denies the charge by pointing out the slight difference of patterns between the two kinds of goods. This is a very intolerable business competition in the market. Recently such malpractice is daily increasing, and therefore litigation on this question will keep on increasing also. As such would more or less strain the commercial relation of the two countries, he requests me to prohibit further copying of patterns by Chinese people. The Chinese Chamber of Commerce, upon being notified of this matter, has replied that such prohibition is the right step taken for commercial protection, and asks to be informed of the different patterns which are most frequently being copied in order to cooperate in the prohibition. In compliance with my request, the British consul-general has furnished me with a list of the cigarettes manufactured by the British-American Tobacco Company (Limited) depot, and also a list of the soaps for which Messrs. A. R. Burkill & Sons are the sole agents. These two articles are more often manufactured by the native according to their patterns. The consul-general says that he has on several occasions called the attention of the viceroy of Nanking to this matter, and, moreover, he requests me to issue this proclamation, to be posted everywhere, to prohibit further imitation of English-made goods. The chamber of commerce having been asked to observe this order, I hereby warn the general public that henceforth such malpractice on the part of our people should once and for all be stopped. Anyone found to be violating this law will be punished without leniency.

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[Inclosure 2.]

Minister Rockhill to Consul-General Denby.

Con. No. 1384.] AMERICAN LEGATION,
Peking, August 29, 1907.

SIR: Referring to the proclamation recently issued by Taotai Jui Chêng of Shanghai, at the instance of the British consul-general, for the protection of British trade-marks in his district (published in the North China Daily News of August 20), it has occurred to me that we should secure similar treatment. I would accordingly suggest that you take up the matter with the taotai and endeavor to have him issue a similar proclamation or an official statement to the effect that American trade-marks will be protected in like manner as British marks. I would also suggest that you furnish the taotai with exemplars of such American trade-marks as are most largely infringed and arrange to file in his office from time to time copies of other American trade-marks as occasion may require.

In giving effect to this suggestion, the legation would be glad to have you pursue such course as may recommend itself to you as most likely to secure the end in view.

I am, etc., W. W. ROCKHILL.

File No. 406/88–89.

Minister Collier to the Secretary of State.

No. 403.] AMERICAN LEGATION,
San Sebastian, September 24, 1907.

SIR: Referring to your instruction No. 145 of August 3, 1907, and my dispatch No. 395 of August 30, 1907,[a] I have the honor of inclosing a copy of a note received from the ministry of state, with translation, from which it appears that the Spanish consular courts in China would not be competent to exercise jurisdiction in cases of violation of trade-marks, even if by exchange of notes between Spain and the United States an attempt to secure protection of such property rights were made. You will see from the note that certain reforms in the law affecting the jurisdiction of the Spanish consular courts are under consideration, and if made His Majesty's Government is disposed then to accede to the desire of the United States to enter into an agreement in this matter.

I have, etc., WM. MILLER COLLIER.

[Inclosure—Translation.]

The Minister of Foreign Affairs to Minister Collier.

No. 67.] MINISTRY OF STATE,
San Sebastian, September 16, 1907.

EXCELLENCY: Referring to your excellency's note dated the 30th of last August, I have the honor, on behalf of His Majesty's Government, to confirm the statements made by the Spanish minister in Peking, in his letter of the previous 13th of June, to his colleague of the United States, respecting the extension of Spanish consular jurisdiction in China.

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[a] Not printed.

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This is not identical with that exercised by consular tribunals in Morocco, for the reason that, since the powers of our officials in the Celestial Empire were subordinate to that of the high court in Manila, their jurisdiction was limited to the power of reporting to that court, as one of the stages in procedure, the crimes and causes of which they had cognizance, and up to the present time that power has in no way been enlarged.

This difference in functions will doubtless disappear, upon the completion of the reform having in view an extension of powers, which this Government is contemplating; and I will then listen with pleasure to such proposals as your excellency may see fit to make, with the object of framing an agreement between the two nations for the protection of trade-marks in China.

I avail, etc.,

MANUEL ALLEN DE SALAZAR.

File No. 406/93–94.

Consul-General Denby to the Assistant Secretary of State.

No. 30.] AMERICAN CONSULATE-GENERAL,
Shanghai, September 25, 1907.

SIR: I have the honor to inclose herewith duplicate copies of a proclamation by the taotai of Shanghai, issued at my request, for the protection of American trade-marks. This proclamation seems to be in a satisfactory form and will facilitate the prosecution of Chinese for infringement of American brands.

Duplicate copies of all American trade-marks registered at this office are now sent to the commissioner of customs, with a request that one copy thereof be forwarded to the taotai.

I have, etc., CHAS. DENBY.

[Inclosure 1.]

Jui, intendant of Su Soong Tai circuit, in the matter of issuing a proclamation for the prohibition of imitating American goods.

On the 7th day of the 8th moon I received a letter from the American Consul-General Denby, which reads as follows:

"It has been reported to me by merchants of my country that recently unscrupulous Chinese are manufacturing imitations of well-known American brands of goods, such as kerosene oil, soap, Eagle brand of milk, stoves, stockings, etc., in order to make profit. These imitations are made to appear like the genuine articles, but in reality they are inferior goods which can be sold cheaper than the real things and still make a profit thereon. Take for example, the Standard Oil Company's kerosene, which has gained a world-wide reputation for unvarying quality. It is found that people refill their empty tins with inferior oil with intention to defraud. They are aware it is dangerous but they do not heed it. This oil is sold as Standard Oil Company's old brand oil, thereby not simply defrauding the public, but seriously injuring the good reputation of an honorable firm. This is not right and if allowed to continue will lead to friction between two friendly nations. Article IX of the commercial treaty between the United States and China provides:

"'Whereas the United States undertakes to protect the citizens of any country in the exclusive use within the United States of any lawful trade-marks, provided that such country agrees by treaty or convention to give like protection to citizens of the United States.

"'Therefore, the Government of China, in order to secure such protection in the United States for its subjects, now agrees to fully protect any citizen, firm, or corporation of the United States in the exclusive use in the Empire of China of any lawful trade-mark to the exclusive use of which in the United States they are entitled, or which they have adopted and used, or intend to adopt and use as soon as registered, for exclusive use within the Empire of China. To this end the Chinese Government agrees to issue by its proper authorities proclamations, having the force of law, forbidding all subjects of China from infringing on, imitating, or knowingly passing off an imitation of trade-marks belonging to citizens of the United States, which shall have been registered by the proper authorities of the United States at such offices as the Chinese Government will

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establish for such purposes, on payment of a reasonable fee, after due investigation by the Chinese authorities, and in compliance with reasonable regulations.'

"I now feel it my duty to point out to your honor the above facts and to request that you will issue a proclamation forbidding all under your jurisdiction the further manufacturing of imitations of American goods and secure for them a special protection."

With the above letter four copies of trade-marks, both in English and Chinese, were also received.

Besides having replied to the above letter and ordered all officials under my jurisdiction to forbid such imitations, I issue this proclamation for the information of people of all classes that no one is hereafter allowed to imitate the Standard Oil Company's registered brands, and should such case be discovered punishment and fine will be imposed upon the impostor. Dated 14th day of the 8th moon, 23d year of Kwang Hsu.

File No. 406/99–101.

Consul-General Denby to the Third Assistant Secretary of State.

No. 37.] AMERICAN CONSULATE-GENERAL,
Shanghai, October 7, 1907.

SIR: Referring to my No. 30 of September 25, transmitting copy of a proclamation with regard to the infringement of trade-marks published by the taotai of Shanghai at my request, I have the honor to inclose herewith copy of a dispatch from the chargé d'affaires at Peking, in which he states "it is unfortunate that reference was made in the proclamation to any particular brand of merchandise, as it detracts somewhat from the force of the general prohibition."

A copy of my reply to this dispatch is also inclosed, giving a probable explanation of how the reference to the Standard Oil Company's trade-marks in particular was dwelt upon by the taotai.

In any case it is evident that the prohibition is broad enough to justify the prosecution of Chinese counterfeiters of trade-marks befor the Chinese authorities.

I have, etc.,

CHAS. DENBY.

[Inclosure 1.]

Chargé Fletcher to Consul-General Denby.

AMERICAN LEGATION,
Peking, October 1, 1907.

SIR: The legation is in receipt of your No. 17 of the 25th ultimo, transmitting the text of a proclamation of the taotai of Shanghai relative to the protection of American trade-marks, and notes that you believe this proclamation to be couched in satisfactory language. It is rather unfortunate that reference was made in the proclamation to any particular brand of merchandise, as it detracts somewhat from the force of the general prohibition.

I am, etc.,

(Signed) HENRY P. FLETCHER.

[Inclosure 2.]

Consul-General Denby to Chargé Fletcher.

AMERICAN CONSULATE-GENERAL.
Shanghai, October 7, 1907.

SIR: Referring to your consular No. — of the 1st instant, I note your comment that "it is rather unfortunate that reference was made in the proclama-

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tion to any particular brand of merchandise, as it detracts somewhat from the force of the general prohibition."

It is true that the taotai in the final paragraph of his proclamation seems to dwell more forcibly on Standard Oil trade-marks than on American trade-marks generally, though said paragraph begins with the statement that he has "ordered all officials under his jurisdiction to forbid such imitations"—a general prohibition which covers all American trade-marks.

It is to be noted that the taotai's proclamation, issued at my request, follows that issued on August 20 at the request of H. B. M. consul-general, in which particular stress was laid on the trade-marks of the British-American Tobacco Company and "soaps for which Messrs. Burkill & Sons are sole agents"—a degree of particularity even exceeding that of the proclamation issued at my request. I see nothing further in the latter proclamation than the tendency of the Chinese mind to follow precedent. It is probable that a proclamation hereafter issued at the request of the Italian or French authorities would dwell on the criminality of infringements of specified products, macaroni, or wine, for example, of those countries.

I have, etc.,

CHARLES DENBY.

File No. 406/88–89.

The Acting Secretary of State to Chargé Fletcher.

No. 353.] DEPARTMENT OF STATE,
Washington, October 8, 1907.

SIR: There is inclosed herewith for your information, copy of a note,[a] received by the American legation at Madrid from the Spanish foreign office on the subject of the jurisdiction of Spanish consular courts in China. In this connection your attention is called to the department's No. 343 of August 13, addressed to the legation.

I am, etc.,

ROBERT BACON.

File No. 406/105–106.

Chargé Fletcher to the Secretary of State.

No. 769.] AMERICAN LEGATION,
Peking, October 22, 1907.

SIR: Referring to Mr. Rockhill's No. 642, of June 14 last, on the subject of the reciprocal protection of trade-marks in China, I have the honor to inclose copy and translation of a note received to-day from the Spanish minister, informing me that, according to instructions received from his Government, the Spanish consular courts in China are, in the absence of special legislation, without jurisdiction in the premises.

I have, etc.,

HENRY P. FLETCHER.

[Inclosure.—Translation.]

The Spanish Minister to Chargé Fletcher.

SPANISH LEGATION IN CHINA AND SIAM,
Peking, October 5, 1907.

MR. CHARGÉ D'AFFAIRES AND DEAR COLLEAGUE: Referring to the letter which I had the honor of addressing to Mr. Rockhill June 13 last, in reply to his note

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[a] Supra.

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of the previous day, proposing an exchange of notes between our two legations for the protection of trade-marks of our respective citizens by means of the intervention of consular courts, as is done in Morocco, I have to inform you, according to instructions received from my Government, that until there is a special law changing the jurisdiction of the Spanish consular courts in China these courts may not pass upon the matter which is the subject of this note.

I seize this occasion, etc.,

(Signed) M. DE CARCER.

File No. 406/95–97.

The Secretary of State to Chargé Fletcher.

No. 359.] DEPARTMENT OF STATE,
Washington, October 25, 1907.

SIR: I have to acknowledge the receipt of Mr. Rockhill's dispatch, No. 710, of August 30 last, inclosing newspaper clippings stating that a proclamation has been issued by the Shanghai taotai for the protection of British trade-marks from infringement in the latter's district. With the dispatch is also inclosed a copy of Mr. Rockhill's instruction to the consul-general at Shanghai, suggesting that the latter endeavor to secure similar protection for American trade-marks in that district.

The department approves the instruction to Consul-General Denby and hopes that, pending the much-needed, more comprehensive arrangements, the Shanghai taotai will take a similar step in regard to American trade-marks.

Copies of the dispatch and of its inclosures have been sent to the Commissioner of Patents for his information.

I am, etc., ELIHU ROOT.

File No. 406/93–94.

The Third Assistant Secretary of State to Consul-General Denby.

No. 29.] DEPARTMENT OF STATE,
Washington, October 30, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 30, of the 25th ultimo, inclosing copies of a proclamation issued by the taotai for the protection of American trade-marks. A copy of the proclamation has been sent to the Department of the Interior for the information of the Commissioner of Patents.

It is noted in reading the proclamation that, while it purports to forbid the imitation of American goods and trade-marks in general, the last paragraph, which is the really vital part of the proclamation, forbids only the imitation of Standard Oil Company's goods. While the taotai undoubtedly intended to forbid the infringement of all American trade-marks, he has failed to do so expressly, and it is the opinion of the department that it would be well to invite the attention of the taotai to that omission.

I am, etc., HUNTINGTON WILSON.

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File No. 406/99–101.

The Secretary of State to Consul-General Denby.

No. 33.] DEPARTMENT OF STATE,
Washington, November 23, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 37, of the 7th ultimo, transmitting copies of correspondence had with the legation at Peking relative to the proclamation with regard to the infringement of trade-marks published by the taotai of Shanghai.

By reference to the department's instruction No. 29, of the 30th ultimo, you will observe that the department has shared the impression made upon the legation.

I am, etc. (for the Secretary of State),

W. J. CARR,
Chief Clerk.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES.

The Danish Minister to the Secretary of State.

[Translation.]

LEGATION OF DENMARK,
Washington, D. C., March 19, 1907.

Mr. SECRETARY OF STATE: By order of my Government I have the honor to beg that your excellency will kindly let me know whether the Government of the United States would be disposed to conclude an arrangement with the Government of the King for the reciprocal protection in China of the trade-marks of the citizens of our two countries when the said trade-marks are duly registered in the country of the infringer.

Should the Government of the United States be disposed to conclude such an arrangement, the King's Government would take the necessary measures to have Danish subjects who would infringe in China an American trade-mark duly registered in Denmark brought before the Danish consular court at Shanghai and eventually punished in accordance with the provisions of the law of Denmark.

The Government of the King would expect the Government of the United States to take similar measures in regard to American citizens who might violate in China the privilege of a Danish subject whose trade-mark is duly registered in the United States.

I am authorized to add that my Government would be very glad if such an arrangement could be effected by means of an exchange of notes between your excellency and me.

Hoping that your excellency will see no objection to assenting to this proposal of my Government, I beg you to accept, Mr. Secretary of State, the renewed assurance of my high consideration.

C. BRUN.

Secretary of State to the Danish Minister.

No. 671.] DEPARTMENT OF STATE,
Washington, March 25, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, in which, by order of your Government, you inquire

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whether the Government of the United States would be disposed to conclude with that of Denmark an arrangement by an exchange of notes for the reciprocal protection in China of trade-marks of the citizens of either country from infringement by citizens of the other when the said trade-marks are duly registered in the country of the infringer.

By this agreement Danish subjects infringing in China an American trade-mark duly registered in Denmark would, you state, be brought before the Danish consular court at Shanghai and eventually punished in accordance with the provisions of the law of Denmark, and the Government of the King would expect the Government of the United States to take similar measure in regard to American citizens who might violate in China the privilege of a Danish subject whose trade-mark is duly registered in the United States.

The agreement proposed by your Government is in line with the agreements which have been effected by exchange of notes between the minister of the United States at Peking and the diplomatic representatives there of certain other countries.

It is to be pointed out, however, that in view of the fact that there is no statute in the United States making the infringement—counterfeiting, etc., of a trade-mark—a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade-mark, the word "punishment" is to be understood, with respect to the United States, to refer to a civil action only and not to a criminal procedure.

If this explanation, which has been made in the case of each of the agreements mentioned above, is satisfactory to your Government, I shall be pleased to make the exchange of notes with you.

Accept, Mr. Minister, the renewed assurances of my highest consideration.

ELIHU ROOT.

The Danish Legation to the Secretary of State.

[Translation.]

DANISH LEGATION,
Washington, May 27, 1907.

MR. SECRETARY OF STATE: Referring to note, No. 671, which your excellency had the kindness to address to the legation on March 25 last, I have the honor, by order of my Government, to inform you that the necessary instructions have been sent to the Danish consul at Shanghai (the consular headquarters for the whole of China) in order to authorize him to protect American trade-marks, duly deposited in Denmark, against violations by Danish subjects in China, to the same extent as Danish marks of the same nature are protected.

The law which the Danish court at Shanghai is called upon to enforce in the premises is the Danish law of April 11, 1890, amended by the law of December 19, 1898, and the ordinances of September 28, 1894, and September 12, 1902.

Hoping to receive a note informing me that the diplomatic and consular officers of the United States in the Middle Kingdom have had the necessary instructions sent to them in order to insure reci-

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procity by granting the protection of the United States consular courts in China to Danish subjects against American citizens who have counterfeited Danish trade-marks regularly deposited in the United States, I beg of you, Mr. Secretary of State, to accept the renewed assurance of my highest consideration.

J. CLAN.

The Secretary of State to the Danish Legation.

No. 694.] DEPARTMENT OF STATE,
Washington, June 12, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo by which you inform me that in pursuance of the understanding reached by the correspondence which passed between the Danish Legation and the Department of State on March 19 and 25, 1907, the necessary instructions have been sent to the Danish consul at Shanghai (the consular headquarters for the whole of China) in order to authorize him to protect American trade-marks, duly deposited in Denmark, against violations by Danish subjects in China, to the same extent as Danish marks of the nature are protected.

As a completion of the exchange of notes to give the said understanding effect, I have the honor to inform you that, on the part of the United States, the minister of the United States at Peking has this day been instructed to inform the consular officers of the United States in China that hereafter trade-marks of Danish subjects, which have been duly registered in the United States, are to be protected against infringement by such persons as come under the jurisdiction of the United States consular courts in China.

Accept, sir, the renewed assurances of my high consideration.

ELIHU ROOT.

ISSUANCE AND VISÉ OF SECTION 6 CHINESE CERTIFICATES.

The Acting Secretary of State to the Chinese Minister.

No. 71.] DEPARTMENT OF STATE,
Washington, April 13, 1906.

SIR: I have the honor to acknowledge the receipt of your personal note of the 28th ultimo,[a] stating that the Chinese consul-general at Johannesburg is the sole representative of the Chinese Government in the whole continent of Africa, and suggesting that the certificate given by him to the Chinese student, Dr. F. C. Yen, be accepted as sufficient to enable the latter to remain in the United States, if it be in other respects regular.

A copy of your note was sent to the Secretary of Commerce and Labor on the 2d instant for his consideration. In his letter in reply, dated the 6th instant, the Secretary of Commerce and Labor says:

This department has never been advised that the Chinese Government has authorized its consul-general at Johannesburg to issue to Chinese citizens of

[a] Not printed.

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the exempt classes the certificate prescribed by section 6 of the act of Congress approved July 5, 1884. The minister, in his note above mentioned, does not state that such authority has been granted the said consul, but merely expresses the opinion that "I (the minister) should suppose that the authority of the diplomatic and consular officers of the Imperial Government to issue the certificate prescribed by the said act would not be questioned."

The Chinese minister thus raises the general question of the acceptance by officers of the Immigration Service of this department of "Section 6 certificates" issued by diplomatic or consular representatives of China in the various foreign countries from which Chinese of the exempt classes may attempt at any time to enter the United States, a question which has been raised by this department on several occasions since the expiration, on December 8, 1904, by China's denunciation, of the treaty of 1894.

* * * * * * *

The Empire of China has not designated any officials located in countries other than China to issue the said certificate, a condition which must necessarily result, so long as it continues, in much embarrassment and annoyance to the officers of this Government charged with the development of the Chinese-exclusion laws.

* * * * * * *

The only officials which the Chinese Government has ever designated to issue the said certificates are named in a dispatch dated April 12, 1904, No. 1570 (from the American minister to China), received by this department under cover of Department of State letter of June 6, 1904. That list consists of the names of 16 persons, all of whom are located at points within the Empire of China. The Chinese minister is therefore in error when he supposes that the officials of the United States Government could accept without question section 6 certificates issued by diplomatic or consular officers of China. Section 6 of the act approved July 5, 1884, provides as follows:

"That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any; the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and the place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

* * * * * * *

"Such certificate, visèed as aforesaid, shall be prima facie evidence of the facts set forth therein, and shall be produced to the Chinese inspector in charge of the port in the district in the United States at which the person named therein shall arrive, and afterwards produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."

It will be noted that this mandatory provision of law does not require a certificate issued by a diplomatic or consular officer of the Chinese Government, but one granted by the Chinese Government itself—that is, a certificate issued by some official who has been clothed by the said Government with special authority, not with the general powers attaching to the office of a minister or consul. This condition is not the result of a technical departmental construction, but of the plain language of the law itself. In the case of United States *v.* Mock Chew (54 Fed. Rep., 490), it was held by the circuit court of appeals, ninth circuit, on January 30, 1893, that, to quote from the syllabus—

"A certificate of identification given by a Chinese consul in Japan, and visèed by the vice-consul-general of the United States at Yokohama, is not sufficient under section 6 of the exclusion act of July 5, 1884, in the absence of evidence other than the certificate itself, that the consul issuing it has authority from the Chinese Government to do so."

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And, to quote further from the body of the decision—

"It is undoubtedly competent for the Chinese Government to authorize its consuls to give the certificate prescribed by section 6, but there is no proof in the case that it has done so. The appellee contends that the certificate itself is evidence of authority to issue it. We do not think so."

This decision is, of course, final upon the point raised incidentally in the Chinese minister's note.

To take up the specific case, that of Dr. F. C. Yen, which has occasioned this correspondence, I have to state that the so-called "certificate" presented by Doctor Yen upon his arrival at San Francisco on March 7 last reads as follows:

"IMPERIAL CHINESE CONSULATE-GENERAL,
"JOHANNESBURG.

"*To whom it may concern:*

"This is to certify that Dr. F. C. Yen is a doctor of medicine by profession, and is now going to the United States of America to complete his course of studies.

"I request that the authorities of the countries through which he may travel to offer him every assistance and protection of which he may stand in need.

"Given under my hand, this 9th of January, 1906, at the consulate-general of Johannesburg.

[SEAL.] "YEM YUK LIN,
"*Chinese Consul-General for British South Africa.*

"JOHANNESBURG, *January 10, 1906.*

"Good:
"N. J. WORTHINGTON,
"*American Consular Agent.*"

This paper, even though the Chinese consul at Johannesburg were duly authorized to represent the Chinese Government in the granting of section-6 certificates, does not meet the requirements of the statute as hereinbefore quoted.

In view of the foregoing, and at the instance of the Secretary of Commerce and Labor, I have the honor to call your attention to the necessity, if subjects of the Chinese Empire belonging to the exempt classes are to be admitted to the United States from countries other than China, that persons located in such foreign countries shall be empowered by the Government of China to grant to its subjects there resident the certificates in question; and to request that you will take the proper steps to obtain for the files of the Department of Commerce and Labor a regular section-6 certificate in the case of Dr. F. C. Yen.

Accept, etc., ROBERT BACON.

File No. 803.

The Chinese Minister to the Secretary of State.

No. 72.] IMPERIAL CHINESE LEGATION,
Washington, April 18, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant relative to the case of Dr. F. C. Yen, a Chinese student, and to say, in reply, that steps are being taken to obtain for the files of the Department of Commerce and Labor a regular section 6 certificate in his case in accordance with your request.

As to the suggestion made by the Secretary of Commerce and Labor in connection with this subject that the Imperial Government empower persons located in countries other than China to grant to

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Chinese subjects there resident the certificates prescribed by the United States laws, I shall take an early opportunity to bring the matter to the attention of my Government.

Accept,

CHENTUNG LIANG CHENG.

File No. 803.

Minister Rockhill to the Secretary of State.

No. 366.] AMERICAN LEGATION,
Peking, August 1, 1906.

SIR: I have the honor to inclose herewith, for the information of the department, a copy of a note which I have received from the Prince of Ch'ing regarding the entry into the United States from other countries of Chinese of the exempt classes.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.—Translation.]

The Prince of Ch'ing to Minister Rockhill.

No. 176.] FOREIGN OFFICE,
Peking, July 30, 1906.

YOUR EXCELLENCY: I have the honor to inform your excellency that on the 17th of this month my board received a dispatch from H. E. Liang, Chinese minister to the United States, as follows:

"Chinese of the exempt classes going to the United States from ports in China are required by Article VI of the exclusion act to secure certificates from certain customs taot'ais and other officials. They can then enter the country within the law. The records show numerous cases that have been dealt with in this way. But up to this time no provision has been made with regard to Chinese of the exempt classes entering the United States from ports in other countries, and it has not been pointed out what officials are authorized to issue the required certificates. Traveling Chinese are therefore foot bound, and there are innumerable inconveniences. I recently received a communication from the Department of State asking me to state what officials could be authorized to issue these certificates to Chinese of the exempt classes entering the United States from countries other than China, that notice could be circulated regarding the matter and the powers of these officials recognized. I therefore took the matter up with the Department of State and arranged that Chinese of the exempt classes entering the United States from countries other than China should secure these certificates from the Chinese minister residing in that country, or from the chargé d'affaires, or from a consul-general or consul, said certificates to be filled out according to the regular form required by law and sent to the American minister in that country, or to an American consul, for his signature and seal. Such certificate is to be considered as complying with the law, and will be sufficient to allow of entry into the United States. In places where there are no Chinese diplomatic or consular officials the same American officials shall be empowered to issue the certificates.

"Information of the matter of the authorization given to the above-mentioned officials is to be given to the American minister in Peking by the Wai Wu Pu, and he will report it to his Government. The Wai Wu Pu will also instruct its minister at Washington to communicate with the Department of Commerce and Labor through the Department of State, that the matter may be put on record."

Having received the above, my board has communicated with Minister Liang as suggested, and in addition it becomes my duty to transmit to your excellency

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the information above conveyed, trusting that you will forward it to the Department of State for their information and action.

A necessary despatch. [SEAL.]

File No. 1132.

The Chinese Minister to the Secretary of State.

No. 77.] IMPERIAL CHINESE LEGATION,
Washington, September 14, 1906.

SIR: Referring to the suggestion of the Secretary of Commerce and Labor, communicated to me in your note of the 13th of April last, that persons located in other countries than China be empowered by the Government of China to grant to Chinese subjects of the exempt classes, coming from such foreign countries to the United States, the certificates prescribed by section 6 of the act of Congress approved July 5, 1884, I have the honor to inform you, by instructions of my Government, that the Imperial Government has specially designated its diplomatic and consular officers in different countries as officials empowered to issue to Chinese subjects there resident the certificates in question; and that, in countries where China has no diplomatic or consular representatives, the Imperial Government has authorized the diplomatic and consular officers of the United States Government to issue those certificates in its behalf.

I have the honor to request that you will be so kind as to communicate this action of my Government to the Secretary of Commerce and Labor for his information.

Accept, etc., CHENTUNG LIANG CHENG.

File No. 803.

The Acting Secretary of State to Minister Rockhill.

No. 190.] DEPARTMENT OF STATE,
Washington, September 22, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 366, of the 1st ultimo, inclosing a copy of a note to you from the Chinese foreign office wherein is set forth a communication from the Chinese minister at this city to his Government as to the issuing of certificates to Chinese of the exempt classes (as required by section 6 of the exclusion act), when such Chinese may wish to enter this country from some country other than China.

The explanation of the communication to you is doubtless as follows:

Section 6 of the act approved July 5, 1884, provides that Chinese entitled to enter the United States under said act—

shall obtain the permission of and be identified as so entitled by the Chinese Government or of such other foreign government of which at the time such Chinese person shall be a subject.

The officials who have been designated by their respective governments to issue the above certificates are mentioned in rule 33 of Chinese Exclusion Regulations (p. 53). The only officials whom the Chinese Government has ever designated to issue the certificates are set forth in dispatch No. 1570, April 12, 1904, from Mr. Conger to

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this department, and all said officials are located within the Empire of China.

It thus happens that when a Chinese of the exempt classes wishes to enter the United States from any country in which there is no official authorized to issue a section 6 certificate he finds himself unable to proceed. In March last a certain Doctor Yen came from South Africa with what purported to be a certificate from the Chinese consul-general there (that officer having never been authorized by his Government to issue certificates of this character). Doctor Yen was allowed to land at Boston, March 7, 1906, notwithstanding this irregularity, and the Chinese minister was requested by this department to secure a correct certificate for him. In the note to the Chinese minister in this connection (No. 71, April 13), attention was called to the necessity—

> if subjects of the exempt classes are to be admitted to the United States from countries other than China, that persons located in such foreign countries shall be empowered by the Government of China to grant to its subjects there resident the certificates in question.

On the 18th of April last the Chinese minister replied to the above note, stating that he would bring to the attention of his Government the necessity of empowering persons in other countries than China to grant to Chinese subjects there resident the certificates required by the laws of the United States.

The note of the foreign office inclosed in your dispatch under acknowledgment is doubtless the sequel to the above. It is to be noted that the communication of the Chinese minister to his Government was without the knowledge or consent of this department. The plan proposed by the foreign office is objectionable in two particulars: First, the designation of officers authorized to issue section 6 certificates is too general. It will not answer to give this authority generally to "the Chinese minister, * * *, the chargé d'affaires, * * *, consul-general, or consul." In respect to each country a specific officer or class of officers should be designated. Second, this Government has not consented, and it is not willing that "in places where there are no Chinese diplomatic or consular officials the same American officials shall be empowered to issue certificates," as proposed by the Chinese minister. American diplomatic and consular officers are charged by the law with the duty of viséing these certificates, and it would be extremely inadvisable to make them issue a certificate to be viséed by themselves.

You are requested to bring the above points to the attention of the foreign office, and to ask that a proper designation of officials be made in accordance therewith at such places as the Chinese Government may find proper.

It is to be suggested to the Chinese Government that the above authority need not be widely given, because in the case of Chinese who are subjects of foreign governments it devolves upon such foreign governments, not on China, to issue the said certificates, and because it would be an easy matter for any Chinese subject abroad who wishes to come to the United States to present himself en route to some official empowered by his government to issue certificates. It is neither necessary nor advisable that an official be empowered to issue certificates at every port from which a Chinese might possibly embark for America.

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I inclose herewith a copy of a letter from the Acting Secretary of Commerce and Labor from which you will see that the draft of this instruction was submitted to him for his consideration, and that this instruction has the unqualified approval of his department.

I am, etc.,

ALVEY A. ADEE.

File No. 1132.

The Acting Secretary of State to the Chinese Minister.

No. 79.] DEPARTMENT OF STATE,
Washington, September 28, 1906.

SIR: I have the honor to acknowledge the receipt of note No. 77, of the 14th of September, with regard to the granting of section 6 certificates to Chinese subjects of the exempt classes coming from countries other than China to the United States. You state that—

> the Imperial Government has specially designated its diplomatic and consular officers in different countries as officials empowered to issue to Chinese subjects there resident the certificates in question, and that in countries where China has no diplomatic or consular representatives, the Imperial Government has authorized the diplomatic and consular officers of the United States to issue these certificates in its behalf.

Under date of the 1st of August, the American minister at Peking forwarded a translation of a note from the Wai Wu Pu, informing him of the arrangement proposed by the Chinese Government, in effect as stated by you, and requesting that information thereof be forwarded to this department for its information and action.

While this Government has every desire to obviate all difficulties that may arise in practice to the entrance into the United States of Chinese not of the excluded classes, I regret to state that objections exist to the proposed arrangement.

The essential point in section 6 certificates is that they should be open to no question or criticism as to their origin or authenticity. For this reason it is provided that the certificates issued shall be viséed by a diplomatic or consular officer of the United States. To charge officers who are responsible for the duty of viséing certificates with the prior duty of issuing them, besides being a contradiction in functions, might lead to confusion and would provoke criticism. This Government is not willing, therefore, to have its diplomatic and consular officers abroad charged with other duties in this connection than those which are enjoined upon them by the law.

Another objection to the plan proposed by your Government is that it is too general in its grant of authority. For the more exact and facile operation of the laws, as well as to secure to Chinese of the exempt classes the right to enter the United States without friction, the authority to issue certificates should be given to a specific officer or class of officers in each country, that is, that the Chinese minister, or chargé d'affaires in one country, or the consul-general or consul in another, or such other official as may be expressly designated by the Chinese Government should be charged with this duty. A comprehensive grant of this authority to "the Chinese minister, chargé

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d'affaires, consul-general, or consul," wherever they may be, will inevitably lead to confusion.

It is also to be suggested that the authority to issue these certificates need not be widely given, because in the case of Chinese who are subjects of foreign governments it devolves upon such foreign governments, not on China, to issue them; and because it would be an easy matter for Chinese subjects of the exempt classes abroad who wish to come to the United States to present themselves en route to some official empowered by their government (not necessarily a Chinese official) to issue certificates.

Mr. Rockhill, at Peking, has been instructed to make a communication in this sense to the Wai Wu Pu, and I have the honor to request you to advise your Government in the same sense.

In making this communication, I beg to assure you that this department is actuated solely by the wish to carry out the exclusion laws in accordance with the spirit which inspired the treaties on this subject between our respective Governments, and in such a manner as to obviate all future occasion of friction and complaint.

Accept, etc.,

ALVEY A. ADEE.

File No. 1132.

The Chinese Minister to the Secretary of State.

IMPERIAL CHINESE LEGATION,
Washington, October 18, 1906.

SIR: I have the honor to acknowledge the receipt of your department's note of the 28th ultimo with regard to the granting of section 6 certificates to Chinese subjects of the exempt classes coming from countries other than China to the United States, and to say in reply that I have communicated to my Government for its consideration the objections therein stated to the plan proposed.

Accept, etc.,

CHENTUNG LIANG CHENG.

File No. 803/3–4.

Chargé Coolidge to the Secretary of State.

No. 439.] AMERICAN LEGATION,
Peking, November 6, 1906.

SIR: I have the honor to acknowledge the receipt of your instruction No. 190 of September 22, with regard to the issuing of certificates to Chinese of the exempt classes when such Chinese may wish to enter the United States from some country other than China.

On the 3d instant I addressed a note to His Imperial Highness Prince Ch'ing, a copy of which I have the honor to inclose herewith, stating that my Government did not concur in the arrangement as proposed by the Chinese minister at Washington, and reiterating the desire of the United States that the authority to grant the certificates in question should be further limited.

I have, etc.,

JOHN GARDNER COOLIDGE.

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[Inclosure.—Extract.]

Chargé Coolidge to the Prince of Ch'ing.

No. 179.] AMERICAN LEGATION,
Peking, November 3, 1906.

YOUR IMPERIAL HIGHNESS: On July 30, 1906, your imperial highness addressed a note to Mr. Rockhill stating that your board had received a dispatch from H. E. Liang Cheng, Chinese minister to the United States, as follows.[a]

Your imperial highness desired that the information thus conveyed should be transmitted to the Department of State for its action. In compliance with this request the note was forwarded to my Government, and I am now in receipt of instructions to reply to your imperial highness that the Department of State did not concur in the arrangement reported by the Chinese minister in Washington that Chinese of the exempt classes entering the United States from countries other than China should secure their certificates from ministers, chargés d'affaires, consuls-general, or consuls in the country of their departure. In the opinion of my Government, it is not at all advisable that the authority to grant such certificates should be delegated to so many officials. It would only lead to confusion and embarrassment, owing to the difficulty of verifying certificates from so many sources. In the case of Chinese who are subjects of foreign governments, it devolves upon such foreign governments and not upon China to issue these certificates. As for Chinese subjects traveling abroad who wish to go to the United States, it would be an easy matter to present themselves en route to the official designated by the Chinese Government to issue certificates. It is neither necessary nor advisable that an official be appointed at every port from which a Chinese might possibly embark for America. Consequently in respect to each country a specific officer or class of officers should alone be designated.

Secondly, my Government has not consented and is not willing that "in places where there are no Chinese diplomatic or consular officials the same American officials shall be empowered to issue the certificate," as proposed by the Chinese minister. American diplomatic and consular officers are charged by the law with the duty of viséing these certificates, and it would be extremely inadvisable to make them issue a certificate to be viséed by themselves.

I have the honor to request that your imperial highness will make a proper designation of officials in accordance with the foregoing representations, at such places as the Chinese Government may find proper, and to reiterate the expressed desire of my Government that the above authority be not widely given in order that unnecessary complications may be avoided.

I avail, etc.,

JOHN GARDNER COOLIDGE.

File No. 803/5-7.

Chargé Coolidge to the Secretary of State.

No. 454.] AMERICAN LEGATION,
Peking, November 20, 1906.

SIR: Continuing the subject of my No. 439, of November 3, with regard to the designation of officials empowered to issue certificates to Chinese of the exempt class traveling abroad who desire to visit the United States, I have the honor to inclose the reply of the Chinese Government to my note, and a further communication which I have addressed to Prince Ch'ing concerning certain selections which seem to me obviously undesirable.

As the dispatch from the Chinese minister, which arrived while my first note was under discussion, shows that he is negotiating with the

[a] Supra.

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department about the same question, I shall await instructions before taking any further steps.

I have, etc., JOHN GARDNER COOLIDGE.

[Inclosure 1.—Translation.]

The Prince of Ch'ing to Chargé Coolidge.

No. 206.] FOREIGN OFFICE,
Peking, November 16, 1906.

YOUR EXCELLENCY: On the 3d of November, 1906, I had the honor to receive a dispatch from your excellency stating that the State Department of the United States had never consented to the proposal that Chinese proceeding to the United States from countries other than China should obtain the certificates needed from Chinese ministers, chargé d'affaires, consuls-general, or consuls, resident in such countries, and that, in compliance with your instructions, you had to request me to designate a number of proper officials for this purpose.

While my board was just in the act of dealing with the question, a dispatch was received from His Excellency Sir Liang Chen-tung, the Chinese minister at Washington, stating that the Department of State of your honorable country had requested that a list might be prepared and sent to it, giving the ministers, chargé d'affaires, consuls-general, and consuls who were authorized to issue the said certificates, and the countries to which they were accredited, in order to facilitate examination.

My board has accordingly sent to His Excellency Sir Liang Chen-tung a list of the ministers, chargé d'affaires, consuls-general, consuls, and commercial agents in various countries as being those authorized to issue such certificates, to which list additions will be made from time to time, due notice thereof being given.

In addition to this action, it becomes my duty to forward inclosed a copy of the said list for your excellency's information.

A necessary dispatch.

(Inclosure: List, as above.)

[SEAL OF THE WAI WU PU.]

[Subinclosure.]

The following is a list of the Chinese ministers, chargés d'affaires, consuls-general, consuls, and commercial agents, as at present stationed in various countries:

Ministers:
The minister to the United States,
The minister to Great Britain,
The minister to France,
The minister to Germany,
The minister to Russia,
The minister to the Netherlands,
The minister to Belgium,
The minister to Italy,
The minister to Austria-Hungary; and
The minister to Japan (being 10 in all).

Chargés d'affaires:
The chargé d'affaires in Spain,
The chargé d'affaires in Portugal,
The chargé d'affaires in Mexico,
The chargé d'affaires in Cuba; and
The chargé d'affaires in Peru (being 5 in all).

Consuls-general:
The consul-general in South Africa,
The consul-general in Korea,
The consul-general in Singapore,
The consul-general at Manila,
The consul-general at Yokohama; and
The consul-general at San Francisco (6 in all).

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Consuls:
The consul at New York,
The consul at Kobe,
The consul at Nagasaki,
The consul at Honolulu,
The consul in the Chia-li-yo (Callao?),
The consul at Fusan,
The consul at Chemulpo,
The consul at Gensan (Port Lazareff),
The consul at Chinnampo; and
The consul at Penang (10 in all).
Commercial agent:
The commercial agent at Vladivostok (1 only).

[Inclosure 2.]

Chargé Coolidge to the Prince of Ch'ing.

No. 185.] AMERICAN LEGATION,
Peking, November 19, 1906.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of a dispatch under date of November 16, in which your imperial highness forwards a list of ministers, chargé d'affaires, consuls-general, and consuls of China in foreign countries, to whom it is proposed to intrust the duty of issuing certificates to Chinese desiring to proceed to the United States from the countries in which such officials are stationed. I note that a similar list has been sent to his excellency the Chinese minister at Washington.

I will immediately refer to my Government for further instructions, but I am sure that it would conduce to an early settlement if your imperial highness, in accordance with the principles expressed in my previous note, would reduce the number of these officials to one each in Japan and Korea, respectively, and would eliminate those stationed in the United States, who can not be concerned in the matter of issuing certificates to Chinese in other countries.

I avail, etc.,

JOHN GARDNER COOLIDGE.

File No. 803/9-10.

No. 472.] *Minister Rockhill to the Secretary of State.*

AMERICAN LEGATION,
Peking, December 8, 1906.

SIR: In continuation of Mr. Coolidge's No. 454, of November 20, with regard to the issuing of certificates to Chinese of the exempt classes when such Chinese may wish to enter the United States from some country other than China, I have the honor to inclose herewith a copy of a note from His Imperial Highness Prince Ch'ing, informing me that he had arranged with the Department of State that the Chinese minister or chargé d'affaires in Japan and the Chinese consul-general in Korea should issue such certificates in their respective countries.

I have, etc., W. W. ROCKHILL.

[Inclosure.—Translation.]

The Prince of Ch'ing to Chargé Moore.

No. 219.] FOREIGN OFFICE,
Peking, December 6, 1906.

YOUR EXCELLENCY: In regard to the matter of the authority of Chinese ministers, chargés d'affaires, consuls-general, and consuls in foreign countries to issue certificates to Chinese going to the United States from countries other than China, on the 20th of November I had the honor to receive a dispatch

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from your legation, in which it was held that the number of officers in Japan and Korea authorized to issue such certificates ought to be reduced; that there ought not to be more than one official in each country so authorized.

My board at once telegraphed to His Excellency Liang to consult with the Department of State, and has now received his reply, saying that he had arranged with the American Department of State that the Chinese minister or chargé d'affaires in Japan and the Chinese consul-general in Korea should issue such certificates.

It becomes my duty, therefore, to send this reply to your excellency that you may place it on file.

A necessary dispatch.

[SEAL OF THE WAI WU PU.]

File No. 803/11-12.

The Chinese Minister to the Secretary of State.

No. 84.] IMPERIAL CHINESE LEGATION,
Washington, January 21, 1907.

SIR: In pursuance of telegraphic instructions from the Wai Wu Pu, ministry of foreign affairs at Peking, I have the honor to communicate to you the list of Chinese officials specially authorized by my Government to issue to Chinese of the exempt class coming to the United States from other countries than China the certificates prescribed under section 6 of the act of July 5, 1884, viz:

1. The Chinese minister or chargé d'affaires, London, England.
2. The Chinese minister or chargé d'affaires, Paris, France.
3. The Chinese minister or chargé d'affaires, Berlin, Germany.
4. The Chinese minister or chargé d'affaires, St. Petersburg, Russia.
5. The Chinese minister or chargé d'affaires, Vienna, Austria.
6. The Chinese minister or chargé d'affaires, Rome, Italy.
7. The Chinese minister or chargé d'affaires, The Hague, Netherlands.
8. The Chinese minister or chargé d'affaires, Brussels, Belgium.
9. The Chinese minister or chargé d'affaires, Madrid, Spain.
10. The Chinese minister or chargé d'affaires, Lisbon, Portugal.
11. The Chinese minister or chargé d'affaires, Tokyo, Japan.
12. The Chinese minister or chargé d'affaires, Mexico City, Mexico.
13. The Chinese minister or chargé d'affaires, Lima, Peru.
14. The Chinese ——— or chargé d'affaires, Havana, Cuba.
15. The Chinese consul-general, Johannesburg, Transvaal.
16. The Chinese consul-general, Singapore, Straits Settlements.
17. The Chinese consul-general, Seoul, Korea.
18. The Chinese consul-general, Manila, Philippine Islands.
19. The Chinese consul, Honolulu, Hawaii.
20. The Chinese commercial agent, Vladivostok, Siberia.

I am informed that the above list has been officially communicated to the American minister at Peking, and I shall be greatly obliged if you will be so kind as to advise the Secretary of Commerce and Labor of the action taken by my Government in conformity with his suggestions in this matter.

Accept, etc., CHENTUNG LIANG CHENG.

File No. 803/11-12.

The Secretary of State to Minister Rockhill.

No. 241.] DEPARTMENT OF STATE,
Washington, January 31, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 472 of the 8th ultimo, inclosing a copy of a note to you from Prince

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Ch'ing, informing you that he had arranged with this department that the Chinese minister or chargé d'affaires in Japan and the Chinese consul-general in Korea should issue section 6 certificates to Chinese of the exempt class going from those countries to the United States.

In this connection I inclose herewith for your information a copy of a note[a] from the Chinese minister here, giving a list of Chinese officials especially authorized by his Government to issue section 6 certificates to Chinese of the exempt class coming to the United States from other countries than China.

I am, etc., ELIHU ROOT.

File No. 803/11-12.

The Secretary of State to the Chinese Minister.

No. 88.] DEPARTMENT OF STATE,
Washington, January 31, 1907.

SIR: I have the honor to acknowledge the receipt of your note No. 84, of the 21st instant, giving a list of Chinese officials specially authorized by the Chinese Government to issue to Chinese of the exempt class coming to the United States from other countries than China the certificate prescribed by section 6 of the act of July 5, 1884.

In reply I have the honor to say that a copy of your note has been sent to the Secretary of Commerce and Labor, for his information.

Accept, etc., ELIHU ROOT.

File No. 803/11-12.

The Chinese Minister to the Secretary of State.

IMPERIAL CHINESE LEGATION,
Washington, February 25, 1907.

MY DEAR MR. SECRETARY: Referring to my note of the 21st of January last, giving a list of Chinese officials specially authorized by my Government to issue the so-called "section 6 certificates" to Chinese of the exempt class coming to the United States from other countries than China, I take the liberty of suggesting that the diplomatic and consular representatives of the United States abroad be instrusted to recognize and visé the certificates properly issued by the Chinece officials referred to, if they are not already so instructed. This will prevent a great deal of misunderstanding that may arise from the issuance of those certificates.

I am, etc., CHENTUNG LIANG CHENG.

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[a] Supra.

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File No. 803/11-12.

The Secretary of State to the Chinese Minister.

DEPARTMENT OF STATE,
Washington, March 26, 1907.

MY DEAR MR. MINISTER: In acknowledging the receipt of your letter of the 25th ultimo, wherein you suggested that the diplomatic and consular representatives of the United States should be instructed to recognize and visé the certificates properly issued by the Chinese officials referred to in your note of January 21, I beg to inform you that the list of Chinese officials so designated has been duly forwarded to the American diplomatic and consular officers for their information.

I am, etc., ELIHU ROOT.

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COLOMBIA.

MESSAGE OF THE PRESIDENT OF COLOMBIA TO THE COLOMBIAN CONGRESS.

File No. 5025/3.

Chargé Heimké to the Secretary of State.

No. 173.] AMERICAN LEGATION,
Bogota, April 9, 1907.

SIR: I have the honor to transmit herewith, in duplicate, a pamphlet containing the message of the President of the Republic of Colombia addressed to the National Constituent and Legislative Assembly (which met in this city on the 1st instant), besides the reports made to that body by the ministers of the cabinet.

I have translated and transmit herewith, in duplicate, the aforementioned message, and (also in duplicate) that portion of the report made to the assembly by the minister for foreign affairs (p. 33 of the pamphlet) wherein he refers to the existing relations between Colombia and the United States.

Summarizing the other portions of the report of the minister for foreign affairs, in speaking of the Holy See, he says, principally, that the papal delegation at this capital has left nothing undone to cultivate and maintain harmonious relations between the Government and the church; that through opportune foresight the Holy See had obtained the best possible organization of the dioceses and vicarages, toward which the Government had lent its proper cooperation, and that much is due to the apostolic delegate here for his efforts toward the creation of good feeling among the masses and for his labors in the interests of peace and concord.

Concerning Ecuador, the minister refers to a pending treaty of friendship, commerce, and navigation between that country and Colombia, signed at Quito on the 10th of August, 1905, in substitution for the treaty of 1856 between those countries, which is regarded as practically obsolete, and that the principal feature of the new treaty is the reciprocal free trade between Ecuador and Colombia. Another one spoken of in connection with Ecuador is the Andrade-Betancourt treaty concerning Colombia's boundary question, which was submitted to the Emperor of Germany for arbitration and is lacking only the formality of its return, while a third treaty, or telegraph convention, signed in the city on the 5th of May, 1906, the exchange of which is awaited, relates to reciprocal rates, or tolls, etc., in connection with the transmission of telegrams between points in Ecuador and Venezuela through Colombian territory and vice versa, and between Ecuador and Colombia.

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With reference to Brazil, the minister speaks of Colombia's boundary question and of the free navigation of the rivers, which matters, he adds, he will in due time bring to the attention of the assembly for its study and approval.

Relative to Great Britain the minister informs the assembly that, in order to facilitate trade relations between the two countries, a convention was signed with Great Britain on the 22d of December, 1906, concerning property rights, which pact insures the citizens and subjects of either contracting party the same rights and gives them the same legal recourse enjoyed by them within the territory of the other now, or that may hereafter be, sanctioned by their respective laws with reference to trade-marks, commercial names, labels, designs, or industrial models, patents on inventions, etc.

Speaking of Italy, reference only is made to the reception of the minister resident from that country to Colombia, which took place on the 20th of January, 1906, and through whom cordial relations were reestablished between the two nations, and that the invitation from Italy that Colombia be represented at the Commercial Congress at Milan had been accepted.

With Peru, the minister reports, a modus vivendi was celebrated by Colombia at Lima on the 6th of July, 1906, by which the statu quo in the territory in litigation between those countries is to be maintained until the definite settlement of the controversy. The matter of the boundary question between Colombia, Peru, and Ecuador is now before the King of Spain for arbitration, and the minister adds that if the sentence should award to Peru territory claimed by Colombia as belonging to her, the decision as to the rightful ownership thereof will be submitted to His Holiness.

The minister, in speaking of the Third Pan-American Conference, says, particularly with reference to the question of arbitration, the Colombian delegates offered the following resolution in a meeting of that body:

> Considering that the American Republics have always inclined toward the principle of arbitration as a means of maintaining international peace, and that they have been invited to the next conference at The Hague, the third conference, in convention at Rio de Janeiro, resolves: To confirm its adhesion to the principle of arbitration; and that in order to give force to this elevated purpose, recommends to the nations represented thereat, that they intrust their delegates to the second conference at The Hague to endeavor to procure the adoption of a general agreement of arbitration so effective and definite that, with the deserving approbation of the civilized world, it be accepted and put in force by every nation.

The Government of Colombia was invited by the Russian embassy at Washington to indicate its adherence to the "agreement governing the laws and customs of warfare on land and sea, and of the principles of the Convention of Geneva of the 22d of August, 1864," as well as to name representatives to the next conference at The Hague, which invitations have been accepted, and Colombia named Gen. Jorge Holguin as its delegate to that conference.

The consular service is referred to by the minister as having been improved in the matter of its personnel, in order to maintain abroad a proper corps which will give its scrupulous attention to the development and advancement of Colombia's incipient industries, etc.; that recently clerkships have been established at several consulates, which are given preferably to persons (Colombians) who have concluded

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their studies in medicine, who are required, with the approval of the department of public instruction, to remain abroad for a period of two years and study some branch connected with their profession, upon which they will lecture after their return to the country in whatever institution the Government may designate, a measure which, the minister adds, will be a stimulus to students of medicine; and in conclusion the assembly is informed that for the betterment of the mechanical part of the consular service, the Government has named an inspector, whose duty it will be to make frequent visits to consulates

In conclusion, upon the subject of foreign claims, the minister says:

The Government being careful to preserve the credit of the Republic, it has not been in any manner heedless in regard to the substantiation of foreign claims or in the payment of the respective bonds. Of the 343 foreign claims presented to this department and substantiated by it for expropriations in the last civil war, 259 have been decided, 84 only remaining to be adjusted. The total amount demanded of the Republic in these 343 claims was $4,744,711 gold, of which $2,075,980 have been allowed. The claims remaining to be adjusted represent a value relatively small.

I have, etc., WM. HEIMKÉ.

[Inclosure 1.—Translation.]

Message of his excellency the President of the Republic of Colombia, addressed to the National Constituent and Legislative Assembly, which met in extraordinary session at Bogota, Colombia, on April 1, 1907.

HONORABLE DEPUTIES: In my last message of the 30th of December, 1905, I had the honor to inform you briefly of all the affairs regarding the public administration up to that date. To-day the cabinet ministers will do so at the same time with me, although not in the form of separate and extensive reports, since you were called together only a few days ago and as your extraordinary sessions will be of short duration, the Government having thought it more convenient not to fatigue you with extensive details and has preferred to condense their reports in the form and manner that you will see farther on, the ministers of the cabinet reserving the privilege of publishing separately their individual reports in a form more extensive in detail.

Besides the present report the general secretary of the presidency will send you the following official publications, in pamphlet form, which have been issued with reference to the public administration from the time of your last sessions up to the present date. Among these publications I point out the following: Legislative decrees, Organization of the service of the national treasury, Annals of the council of ministers, etc. In said publications and in the present report you will find all the data that you may require to completely inform you of all the acts of the Government.

I have the satisfaction of informing you that unalterable public peace has been maintained throughout the country, which is an evident proof that the Government judged aright the conspiracy of the 19th of December, 1905, when it characterized it thus:

"The Government considers that the conspiracy, deprived of a political character, is more properly a sign of transition. Without an ideal, without an appreciable basis, this movement marks the death of anarchy, with which the nation has been in combat during its first century of its existence. The good sense of the people, who have almost always shown themselves indifferent to attacks of this nature, was demonstrated at this time by a condemnation of the attack, so as to show that they have understood the responsibility that those persons upon whom it has fallen to represent the country and to work for its prosperity during these precious hours of its existence have toward their country."

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As is known, after that conspiracy and as its natural consequence, the attack of the 10th of February, 1906, was made, which I judged at that time and which I judge to-day is the last of anarchy and disorder in which this country has lived during long years.

The country and the Government have absolute confidence in your patriotism, in your sound judgment, and in your capability, so that in the few days of these extraordinary sessions you may guarantee still more the stability of peace and set a good example, as well in our own country as abroad, that among our legislative and constituent bodies there will be no heated debates nor any political discussions such as were peculiar to some of our former congresses, because all your energies will be devoted to aid in the reconstruction of our country, which is so much in need of rest and tranquillity.

Our international relations have been cultivated and maintained on a footing of cordiality and correction, toward which effective help has been given by the honorable diplomatic body at this capital and by our representatives abroad, where it is considered that Colombia has finally overcome the era of civil wars, through which every country in the world has passed, and that she has now entered upon peace and progress.

The Episcopate and the Catholic clergy have continued to lend their efficient and profoundly beneficent aid toward the maintenance of public tranquillity, a work toward which the very worthy representative of the Holy See before the Colombian Government has also contributed in great part.

The acute economic crisis which has weighed down the nation since the termination of the late civil war as a result of the excessive emission of paper money is still sharp, and the Government, in order to relieve the situation, has applied the greater part of the public revenue, so as to recover firmly the credit of the country abroad and by this means to attract foreign capital for the construction of railways and for other industries; and in the interior of the country the Government has given its attention to the improvement of lines of communication, converting mule tracks into cart roads, repairing these and opening new ones. In this manner the public taxes have been given a reproductive and fruitful employment, which has controlled, in part, the bad economic situation and will finally control it entirely.

We have kept the level of our estimates, and every day the organization of our finances and the regular administration of our public taxes is improving to the point where we can say that these are properly managed.

The harvests were abundant last year and promise to be so this year, which will keep the mass of the population from suffering from a lack of provisions.

Since your last sessions the assembly has increased the number of its members by 21 deputies, corresponding to the six new departments which have been formed and to the federal district. In this assembly all the different political groups of the country are worthily represented by the most distinguished men of Colombia.

I have spoken incidentally of the political composition of the national assembly, but only to give evidence of its representative elements; however, your labors will not be of a political character, as the nation has no problems of that kind pending; and as the actual institutions are accepted by all the political parties, the political labors of these parties will remain for the future, as they already are, in the fruitful field of the administration, in which all can work for the good of the country; and this will be the principal object of the political groups; they will either change into coincident forces for doing good or they will have to disappear, for the nation can no longer tolerate within its strong organism any disrupting and opposing forces to its progress and well-being under the name of political entities. It is pleasing to me to recognize in you all the patriotic and open spirit required to accept with loyalty and frankness the postulate concerning the mission of political parties, which is to-day dominant in all Colombians of good will.

The ministers of the cabinet will submit for your high consideration the matters which the Government deems convenient you should act upon during these extraordinary sessions.

Let us thank God for the great and manifest benefits that have been bestowed upon the nation, and let us make ourselves worthy to deserve them in the future.

R. REYES.

BOGOTA, *April 1, 1907.*

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[Inclosure 2.—Translation.]

Translation of that portion of the report of the minister for foreign affairs addressed to the National Constituent and Legislative Assembly, which met in extraordinary session on April 1, 1907, wherein he refers to the relations between Colombia and the United States.

Honorable Deputies of the National Constituent and Legislative Assembly:

It is highly gratifying to me to be able to inform the honorable national assembly that our relations with all nations friendly with Colombia grow more cordial every day, which is largely due as well to the intelligent and meritorious labors of the accredited honorable diplomatic corps at Bogota as to our representatives abroad.

* * * * * * *

UNITED STATES.

In order to confer with our minister in Washington, Dr. Diego Mendoza Pérez, concerning the important questions which this chancellery has pending with that of the United States, and to repeat verbally the instructions which had been given to him at the time of his nomination, I confirmed by cable, when I took charge of the department, the orders which had already been transmitted to him to repair to this capital. Then, in a manner unusual in the history of our diplomacy and in disobedience of the orders received, Dr. Mendoza Pérez revolted and provoked the disagreeable incidents that are known to the whole country and which were a reflection upon the Government and public opinion, so justly outraged.

Afterwards, our plenipotentiary at Rio de Janeiro having advised us that Secretary of State Root desired to touch at the port of Cartagena and make Colombia a visit as a termination of his journey to South America, the Government prepared to receive that distinguished man of state in a manner befitting to him and to the traditions of hospitality and courtesy which have honored the Republic. The undersigned received from his excellency the President the honored charge of proceeding to Cartagena, as he did, to await the arrival of the illustrious guest. Mr. Root arrived at that city on the 24th of September of last year and was the object of proper attentions. In greeting Mr. Root in the name of the Republic and that of his excellency the President, I said to him, among other things: "We receive you as a herald of peace, of justice, and of concord." Mr. Root, in reply to my discourse, declared "the sincere desire that all questions pending between the Republic of Colombia and the United States may be settled peacefully, in conformity with the spirit of friendship, of mutual esteem, and in accordance with honor for both countries."

This frank and friendly declaration, besides other manifestations of the distinguished Secretary of State in honor of Colombia and her illustrious chief, inclined the Government all the more toward the continuation of the negotiations initiated in Washington by Minister Mendoza Pérez. In order to bring them to a happy goal, Dr. Enrique Cortés was designated to replace Dr. Mendoza Pérez, a citizen who by reason of his eminence, his skill, and his long residence in European centers appeared to be the most proper person to continue this mission.

Mr. Cortés proceeded to Washington and began his labors in accordance with the instructions given him by this chancellery. In order to arrive at the best results in so delicate a question, the Government decided to name as counselors of legation the distinguished Messrs. José María Pasos, Gabriel O'Byrne, and Antonio R. Blanco.

The negotiations have been prosecuted in a satisfactory manner, and the Government entertains the hope of soon being able to announce to the Republic the celebration of an agreement in conformity with her honor and to her interests. It would be a matter of especial gratification to me if that agreement could be terminated before the end of your labors, so that you might consider it.

I should mention that the distinguished diplomat, Hon. John Barrett, a loyal friend of Colombia, and who took upon himself a journey through our department with fruitful results to the country, has contributed in a large measure, with intelligence and tact, toward the good feeling existing between Colombia and the United States.

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Honorable Messrs. Deputies.

A. VÁSQUEZ COBO,

BOGOTÀ, *April 1, 1907.*

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CLAIM OF RICARDO A. DEEB VS. COLOMBIA.

File No. 4344/5.

Chargé Heimké to the Secretary of State.

No. 139.] AMERICAN LEGATION,
Bogotá, December 29, 1906.

SIR: I have the honor to transmit herewith a copy and translation of a letter addressed to me on the 17th instant by Mr. Teófilo F. Lian, as attorney for Mr. Ricardo A. Deeb, an American citizen, residing in this city, with reference to a claim presented by the latter several years ago against the Colombian Government for losses sustained by him through the action of the federal and the insurgent troops during the civil war, or rebellion, that existed in Colombia in the years 1901 and 1902, in which letter Mr. Lian complains of the delay of the Colombian Government in reaching a settlement of the claim in question, and requested the exercise of the good offices of this legation with that Government for an early adjustment of the matter.

In looking into the record of this case in the legation I found that Minister Barrett had addressed a note to the foreign office on the 27th of July last, in which he transmitted to that office certain papers named in his note, stating at the same time that, inasmuch as the claim in question had already been formally considered by the foreign office and that in response to its requirements the claimant had obtained and filed therewith certain additional necessary papers in the case, he requested the minister for foreign affairs to give the claim of Mr. Deeb that full and just attention which it might deserve and then propose the Colombian Government's terms of settlement as soon as convenient.

As I found that no response had been made to Minister Barrett's before mentioned note, I addressed one to the minister for foreign affairs yesterday (copy inclosed), in which I called his attention to the unsettled claim of Mr. Deeb and to the fact that up to the present time this legation had not been favored with a response to Minister Barrett's note of July 27 last, and concluded with a request to be advised of the present status of the matter, and, if it were proper for me to ask, what steps are being taken for a liquidation of the claim in question, which action I communicated to the attorney for the claimant in a letter addressed to Mr. Lian yesterday, a copy of which is herewith inclosed.

This morning I received a note from the minister for foreign affairs, dated to-day (copy and translation herewith inclosed), in answer to mine of yesterday, in which he informed me that the claim of Mr. Deeb in reference is in course of verification, and that the examination and study of the matter would be hastened, in order that a decision thereon may be reached within the least possible time, which information I imparted to Mr. Deeb in an interview with him at this legation, with which he seemed pleased, since, he said, this was the first intimation that had reached him that the Colombian Government had taken under serious consideration the adjustment of his claim; but requested, as his business called him out of Bogotá frequently and for long periods of time, that this legation call the attention of the foreign office to the existence of his claim from time to time, so that it would not be forgotten—a claim for horses, mules,

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cattle, and merchandise taken from him by the federal and insurgent troops during the late rebellion in Colombia, as before stated, the value of which, Mr. Deeb states, amounts to between $74,000 and $75,000 gold. I promised Mr. Deeb that this legation would be pleased to continue to use its consistent good offices with the Colombian Government toward a speedy and an equitable adjustment of his claim, which action I trust will meet the approval of the department.

Inasmuch as I have made reference in this dispatch to Minister Barrett's note to the foreign office in connection with this matter, I inclose a copy of the same.

I have, etc.,

WM. HEIMKÉ.

[Inclosure 1.—Translation.]

Mr. Lian to Chargé Heimké.

BOGOTÁ, *December 17, 1906.*

DEAR SIR: In my character as attorney for Mr. Ricardo A. Deeb, an American citizen, I have the honor to address your excellency, in order to give you some information on the matter of the relation of that legation with my constituent, Mr. Deeb.

Some years ago the said Mr. Deeb initiated a claim against the Colombian Government in the ministry of war. From there it passed to your honorable legation, and afterwards to the ministry of foreign affairs, where, after a long delay, an order was issued requiring more proofs, which were duly furnished.

The honorable representatives of the United States, Messrs. W. W. Russell, Alban G. Snyder, and John Barrett, made several personal exertions and through notes, copies of which should be among the files of that legation, without having been able to obtain a definite decision for this claim, in spite of the many offers made by several of the ministers for foreign affairs.

Although this claim had been given a diplomatic character, by means of which it was exempt, in a certain way, from carrying out certain prescriptions (or formulæ), my constituent has taken the utmost care to comply with every requisite, which, according to the laws of the country, could be found necessary for the respective documents. For this reason I take the liberty of inclosing to-day the certificate of nationality of the claimant and the proof of his neutrality, which was attested by the very honorable declarations of Gen. Pedro Leon Moreno (chief of the government in the region where the expropriations took place), and of Dr. Rafael M. Ponton, an official employed by the Government to issue passports to neutral foreigners during the last revolution.

This, then, is to have it known, in the most respectful but also in a firm manner, in the name of my constituent (or client), that I present to your excellency my formal protest against the unjust delay which the claim mentioned has suffered, and I beg your excellency to use your good offices in order to obtain the decision to which, in justice, an American citizen is entitled.

Your excellency will please to accept, etc.,

TEÓFILO F. LIAN.

[Inclosure 2.]

Chargé Heimké to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Bogotá, December 28, 1906.

Mr. MINISTER: On the 27th of July last, a few days before his departure from Bogotá for the United States, Minister Barrett had the honor of transmitting to your excellency certain documents in the matter of the claim of Ricardo A.

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Deeb, an American citizen, for losses sustained by him through the action of the federal and the insurgent troops during the civil war that existed in Colombia in the years 1901 and 1902, and requested that the claim in question be given that attention by your excellency which it deserved, in order that a settlement of the same might be effected, to which note this legation has not yet been favored with a response.

As the claimant has appeared and represented that the nonpayment of this debt, amounting, without interest, to between $74,000 and $75,000 gold, has been extremely prejudicial to his interests and importuned this legation to use its good offices with the Colombian Government for an early adjustment of his claim, I have the honor to request your excellency to be so good as to advise me of the present status of the matter, and, if it is proper for me to ask, what steps are being taken for a liquidation of the same.

With this motive I take, etc., WILLIAM HEIMKÉ.

[Inclosure 3.]

Chargé Heimké to Mr. Lian.

AMERICAN LEGATION,
Bogotá, December 28, 1906.

DEAR SIR: Referring to your letter of the 17th instant, relative to the claim of your client, Mr. Ricardo A. Deeb, an American citizen, against the Colombian Government for losses sustained by him through the action of the federal and the insurgent troops during the civil war that existed in Colombia in the years 1901 and 1902, which claim is now before the Colombian Government for consideration, I beg to inform you that I have this day addressed an official note to the foreign office in which I stated that as the claimant had appeared and represented that the nonpayment of his claim, amounting, without interest, to between $74,000 and $75,000 gold, has been extremely prejudicial to his interests and had importuned this legation to use its good offices with the Colombian Government for an early adjustment of his claim, I requested to be informed of the present status of the matter, and asked what steps are being taken for a liquidation of the claim in question.

As soon as I have received a response from the minister for foreign affairs I will advise you.

I return herewith, for retention by Mr. Deeb, the following-named documents which you kindly transmitted to me with your before-mentioned letter, as these papers may prove useful to your client:

First. Certificate of the nationality of the claimant.

Second. The proofs of his neutrality during the war in Colombia during the years 1901 and 1902.

Yours, very truly, WILLLIAM HEIMKÉ.

[Inclosure 4.—Translation.]

The Minister for Foreign Affairs to Chargé Heimké.

REPUBLIC OF COLOMBIA,
DEPARTMENT OF FOREIGN AFFAIRS,
Bogotá, December 29, 1906.

I have the honor to acknowledge the receipt of your courteous communication of yesterday.

The matter of the claim to which said communication refers, presented by Mr. Ricardo A. Deeb, for damages in the late rebellion, is in course of verification, and it is pleasing to me to inform you that the examination and study of the matter will be hastened, in order that a decision be reached within the least possible time.

I avail myself, etc., A. VÁSQUEZ COBO.

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[Inclosure 5.]

Minister Barrett to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Bogotá, July 27, 1906.

MR. MINISTER: I have the honor to inclose for your excellency's kind consideration, first, the formal legal papers in the claim of an American citizen, one Ricardo A. Deeb, for losses sustained by him during the civil war, 1901–2, in Colombia, as a result of the action of both the government and insurgent troops; second, a translation of a statement dated September 16, 1905, made by the Colombian foreign office in regard to further papers and evidence required in this claim; and, third, a duplicate copy of a letter dated June 11, 1906, filed in this legation by the claimant, Ricardo A. Deeb.

Inasmuch as this claim has already been formally considered by the foreign office, and as, in response to the requirements of that office, the claimant has obtained the additional papers and evidence necessary, I have the honor to request that your excellency will see that this claim is now given the full and just attention that it may deserve.

In view of the fact, moreover, that the claimant declares that he is caused much financial loss by the delay in adjusting this matter, I beg to suggest most respectfully that your excellency's Government may find it convenient to go over the new evidence carefully and then propose its terms of settlement as soon as convenient.

Your excellency will please accept, etc., JOHN BARRETT.

File No. 4344/–5.

The Acting Secretary of State to Chargé Heimké.

No. 50.] DEPARTMENT OF STATE,
Washington, February 12, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 139, of December 29, 1906, relative to the claim of Ricardo A. Deeb, an American citizen, for losses sustained during the late civil war in the United States of Colombia.

The department approves the action of the legation in respect to this case.

I am, etc., ROBERT BACON.

File No. 4344/6–7.

Chargé Heimké to the Secretary of State.

No. 226.] AMERICAN LEGATION,
Bogotá, September 2, 1907.

SIR: Referring to my No. 139, of December 29, 1906, relative to the claim of Richard A. Deeb, an American citizen, against the Government of Colombia for horses, mules, cattle, and merchandise taken from him by federal and insurgent troops during the revolution that existed in Colombia in the years 1901 and 1902, in which dispatch I stated that I had taken up with the foreign office the settlement of that claim, I have the honor and pleasure to report that through my persistent efforts the Government has now issued a resolution allowing the claim of Mr. Deeb in the sum of $25,069 gold, payable in for-

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eign bonds, in accordance with the judicial decision pronounced by the examiner of the second section of the department of foreign affairs and with the concurrence of the council of ministers, a copy of which, clipped from the Diario Oficial of this city of to-day, I inclose in duplicate, as well as a translation of the same, also in duplicate.

Mr. Deeb claimed indemnity in the sum of $72,471.12 gold, $42,000 of which being, as was alleged, for levies caused by revolutionaries, and was disallowed, the Government holding that it did not recognize claims for damages caused by the insurgent forces; and of the remainder, namely, $30,471.12, the sum of $5,402.12 was disallowed for lack of proper evidence, resulting in a balance in Mr. Deeb's favor of $25,069, which that gentleman has accepted in full settlement of his claim against the Government of Colombia.

It is gratifying to me to add that, as with the two other claims against the Government of Colombia recently reported to the department (in dispatches Nos. 213, 217, and 225), and which I have had the satisfaction of bringing up to the point of settlement, the payment of the claim of Mr. Deeb was arranged by me with perfect harmony and attended by the exhibition of the greatest courtesy on the part of the officers of the Government.

Mr. Deeb, a Syrian by birth, although an American citizen by naturalization, whom I have found to be a man of superior intelligence and exceptional refinement, informed me that it is his intention to return within a few months to the United States, where he would again take up his permanent residence.

I have, etc.,

WM. HEIMKÉ.

[Inclosure.—Translation.]

[Extract of the judicial decision in the claim of Richard A. Deeb, an American.]

Under date of the 28th of October, 1901, Mr. Richard A. Deeb presented to the ministry of war a memorial introducing his claim. Subsequently, on the 27th of July, 1906, it was passed to this department for its examination and decision.

He claimed $72,471.12 gold.

In this amount there are included $42,000 for levies caused by the revolutionists.

The record having been examined, the ministry found it in conformity with law 27 of 1903 and its organic decree, and proceeded to pronounce its decision on the 10th of August, 1907, which, in its determinate quality and with the concurrence of the council of ministers, says:

"First. There are no grounds for any recognition whatsoever on account of levies caused by revolutionaries, as defined in article 3 of law 27 of 1903.

"Second. The only and definitive indemnification adjudged to Mr. Richard A. Deeb, American citizen, as the sum total of the present claim, is the amount of twenty-five thousand and sixty-nine dollars ($25,069), payable in foreign bonds.

"Ordered to be entered in the register and published in the Daily Official Gazette; and if the result is accepted, an authentic copy hereof is to be sent to the ministry of the treasury for its action, and the record is to be filed.

"For the minister, the subsecretary,

"FRANCISCO JOSÉ URRUTIA."

At Bogota, on the 17th of August, 1907, the undersigned official gave notice of the preceding resolution to Mr. Teófilo F. Lian, attorney for the claimant, who accepted the same in all its parts, and in virtue of which he signs: Teófilo F. Lian. José M. Cárdenas M., judge of the second section.

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BOUNDARY AND NAVIGATION TREATY BETWEEN COLOMBIA AND BRAZIL.[a]

File No. 7692/8.

Minister Dawson to the Secretary of State.

[Extract.]

No. 31.] AMERICAN LEGATION,
Bogota, December 31, 1907.

SIR: Referring to the subject of the last two paragraphs of my No. 26,[b] of the 21st instant, in which I mention that a boundary and navigation treaty was concluded between Colombia and Brazil on April 24, 1907, and ratified by the Colombian Congress on May 17, I have the honor to report that word was received to-day from Rio de Janeiro that the Brazilian Senate voted to approve on the 29th. This completes ratification, as the Brazilian Chamber of Deputies had already acted favorably.

The minister of foreign affairs tells me that he expects the ratifications will be exchanged promptly at Rio and that a modus vivendi in regard to the triangle of territory at the mouths of the Yapura and Putumayo, whose sovereignty is still in dispute between the two nations, will be put into effect. Indeed, I understand that such a modus vivendi has already been formulated.

It is impossible yet to obtain here a copy of the treaty and modus vivendi, since this foreign office considers itself under obligations not to publish until ratifications have been exchanged or until it has the permission of the Brazilian foreign office.

The conclusion of this treaty settles, or puts in the way of certain settlement, a dispute that has lasted nearly a century and on several occasions seriously menaced the relations of the two countries. Besides its beneficial effects on Brazil and Colombia themselves, it may have a far-reaching international bearing as tending to bring about a disentangling of the complicated knot of boundary disputes in the upper Amazon.

I have, etc., T. C. DAWSON.

DENUNCIATION OF THE MODUS VIVENDI CONCERNING THE BOUNDARY BETWEEN COLOMBIA AND PERU.

File No. 526/1.

Minister Dawson to the Secretary of State.

[Extract.]

No. 9.] AMERICAN LEGATION,
Bogota, December 31, 1907.

SIR: I have the honor to report that a few days ago instructions were sent to the Colombian chargé d'affaires at Lima to notify to the Peruvian Government Colombia's denunciation of the modus vivendi concerning the boundary between the two countries. Word was received to-day from the chargé that these instructions had been complied with.

I have, etc., T. C. DAWSON.

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[a] See also under Brazil, p. 108.

[b] Not printed.

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CLAIM OF THE CHILEAN STEAMER "LAUTARO," DESTROYED WHILE IN THE SERVICE OF THE DEPARTMENT OF PANAMA, VS. COLOMBIA.

File No. 10511/1.

Minister Dawson to the Secretary of State.

No. 14.] AMERICAN LEGATION,
Bogota, November 8, 1907.

SIR: I have the honor to inclose herewith a copy and translation of a protocol recently signed here between the minister of foreign affairs and the Chilean chargé which settles the long-pending claim arising out of the destruction of the steamer *Lautaro*, under the Chilean flag, while in the service of the Department of Panama. An agreement was reached between the two governments in 1902, responsibility admitted by Colombia, and some payments made. A year and a half later Panama declared her independence, and with the restoration of regular government and solvency under President Reyes, the Colombian administration represented to the Chilean that it was inequitable to require the new and smaller Colombia to pay in full a debt contracted by and on account of a seceded department. This was, however, not insisted upon as a matter of right under international law, but on equitable grounds. By the final agreement the interest and one-third the principal are forgiven.

A careful reading of the recitals of the protocol shows, I think, that from them it can not fairly be inferred that Colombia insists or Chile admits that a continuous governmental entity is not responsible integrally for prior acts and agreements. The recitals are, however, not as clear on the point as they might be.

You will not fail to observe that the protocol in question explicitly recognizes the fact of Panama's separation in the following words: "the Department of Panama which has separated itself from Colombia." (See fourth and fifth lines of the second paragraph.)

I have, etc.,

T. C. DAWSON.

[Inclosure.—Translation.]

PROTOCOL.

In Bogota on the 28th of September, 1907, there met in the department of foreign relations Gen. Vasquez Cobo, minister of foreign relations of Colombia, and the Hon. Dr. Emilio Rodriguez Mendoza, chargé d'affaires ad interim of Chile, for the purpose of agreeing on the terms of a convention to modify the (convention) which was made in Bogota October 17, 1902, between Felipe F. Paul, minister of foreign relations of Colombia, and Francisco J. Herboso, envoy extraordinary and minister plenipotentiary of Chile, by which the form of payment of the amount owed by the Colombian government for the burning and sinking of the ship *Lautaro*, belonging to the South American Steamship Company, was agreed.

The minister of foreign relations of Colombia and the chargé d'affaires of Chile being moved by the sentiments of closest cordiality which to-day exist between the Republics of Colombia and Chile and between their respective Governments, and also taking into account the fact that the *Lautaro* was lost while serving the Department of Panama which has separated itself from Colombia, and that the latter has already paid a large part of her value, and being fully authorized thereunto by their Governments, have agreed as follows:

1. The balance amounting to £37,000 sterling, viz: £30,000 as principal and £7,000 as interest, which the Colombian Government owes according to the

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Paul-Herboso protocol, is by mutual agreement reduced to £20,000 sterling. Therefore, from the total amount should be deducted £7,000 interest and £10,000 principal.

2. The payment of this £20,000 sterling shall be made in ten installments of £2,000 each month, the first payment to be made not later than October 5, proximo.

3. Payment shall be made in drafts on London drawn to the order of the manager of the South American Steamship Company, and at not to exceed thirty days' sight. They shall be delivered to the Chilean legation in Bogota.

4. The drafts referred to in the preceding paragraph shall be exempt from payment for stamps and in general from any Colombian tax.

In faith whereof we sign the present protocol and seal it with our personal seals.

[L. S.] A. VASQUEZ COBO.
E. RODRIGUEZ MENDOZA.

Approved.

[L. S.] NATIONAL EXECUTIVE, *Bogota, October 2, 1907.*
R. REYES.
A. VASQUEZ COBO,
The Minister of Foreign Relations.

PROVISION FOR THE ASSEMBLING OF THE CONSTITUTIONAL CONGRESS.

File 5025/6–7.

Chargé Heimké to the Secretary of State.

No. 183.] AMERICAN LEGATION,
Bogota, April 22, 1907.

I have the honor to transmit herewith, in duplicate, a clipping from the Diario Oficial of this city, of the 17th instant, and, also in duplicate, a translation of a decree passed by the national constituent and legislative assembly in its session of the 3d instant, and approved by the President of the Republic of Colombia on the 15th of the present month, making provision for the assembling of the next constitutional congress, which is to meet, once in every two years, at this capital; that its ordinary sessions shall be ninety days in duration; that the initial date for the meeting of the first Congress is fixed for the 1st of February, 1910, "although the executive power may anticipate, or the assembly, by the enactment of a law, postpone the same if the public interests should so demand;" and that until the time of the assembling of the first Congress before mentioned the national constitutent and legislative assembly will continue to exercise the legislative functions which, by the constitution, appertain to the Congress in extraordinary sessions.

Although the general public, at the time of the convocation of the national assembly, now sitting in extraordinary session, had hoped that Congress would be convened at some time during the present year, the above named decree, fixing the date of its first meeting for the 1st of February, 1910—three years hence—has been calmly received by the masses throughout the country, so far as has been ascertained, and without the faintest sign of dissatisfaction or disappointment; or, in other words, the decree has been accepted in a practical sense as a matter of fact, and unlike the enactment of similar measures in previous years, which is considered as an index of the present sensible and peacefully inclined spirit of the people, who have come to regard the rule of President Reyes as wise and for the best interests of the

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country, and whose sincerity in this respect is neither doubted nor questioned by those who know the character of the present progressive Chief Executive of Colombia.

I have, etc., WM. HEIMKÉ.

[Inclosure.—Translation.]

[From the Diario Oficial, of Bogota, Colombia, of April 17, 1907.]

NATIONAL ASSEMBLY—LEGISLATIVE ACT No. 1 OF 1907 (APRIL 15)—SUBSTITUTING LEGISLATIVE ACT No. 2 OF 1905.

The national constitutent and legislative assembly decrees:

ARTICLE 1. Hereafter legislative chambers will meet in their own right every two years, on the 1st day of February, in the capital of the Republic.

ART. 2. The ordinary sessions will last ninety days, after which the Government may declare the chambers in recess.

ART. 3. The initial date for the meeting of the first constitutional Congress will be the 1st of February, 1910, although the executive power may anticipate. or the assembly, by the enactment of a law, postpone the same if the public interests should so demand.

The decree convening elections for members of Congress will be issued by the Government with due anticipation, in order that the chambers may meet on the date named in article 1.

Art. 4. (Transitory.) Until the time of the assembling of the first Congress referred to in the preceding article, the national constitutent and legislative assembly will continue to exercise the legislative functions which, by the constitution, appertain to Congress in extraordinary sessions, and separately to the Senate and to the Chamber of Representatives, and those of the constituent assembly named in article 8 of reformatory act No. 9 of 1905.

The executive power may convene the assembly in extraordinary session whenever he considers it expedient.

ART. 5. The provisions of the present decree take the place of legislative act No. 2 of 1905 and article 68 of the constitution.

Given at Bogota, on the 3d of April, 1907.

DIONISIO JIMENEZ,
The President.
GIRADO ARRUBLA,
The Secretary.
AURELIO RUEDA A.,
The Secretary.

EXECUTIVE POWER, BOGOTA, *April 15, 1907.*

Let it be published and executed.

R. REYES. [SEAL.]

The Minister of Government,

D. EUCLIDES DE ANGULO.

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CUBA.

CUBAN BONDS OF JUNE 1, 1869.

File No. 7622/1.

The Acting Secretary of State to Minister Morgan.

No. 143.] DEPARTMENT OF STATE,
Washington, July 18, 1907.

SIR: I inclose a copy of a letter[a] from Mr. F. W. Bacot, of Charleston, S. C., making inquiries concerning the value of a Cuban bond. A copy of the bond is also inclosed.

You are requested to ascertain the value of the bond and to return the copy thereof to the department with your reply.

I am, etc.,

ROBERT BACON.

[Inclosure.—Translation.]

Copy of bond.

The Republic of Cuba, through José Morales Lemus, president of the Central Republican Junta of Cuba and Porto Rico, acting under special authority, hereby acknowledges itself bound to the bearer in the sum of $500, with interest thereon at the rate of 7 per centum per annum from date hereof, said interest to be paid at the times and upon the conditions following, viz, after the ratification of a treaty of peace between the Government of Spain and the Republic of Cuba, or after the overthrow of the authority of the Spanish Government in the island of Cuba, or after the recognition by the Government of the United States of America of the political independence of the island of Cuba, and on the 31st day of July of the year succeeding that on which such ratification, overthrow of Spanish authority, or recognition of independence should take place, the said Republic will pay in the city of New York the interest then accrued hereon, and thereafter will so pay as well the interest accruing hereon semiannually on the 31st days of January and July in each year, as the said principal sum of $500, ten years after the first payment of interest. The Government of said Republic reserves the right to pay the principal hereof on any interest day succeeding the first payment of interest. And to the performance and payment of this obligation the honor and faith of the people of Cuba is hereby pledged in the name of Carlos Manuel de Cespedes, President of the Republic.

New York, this 1st day of June, A. D. 1869.

File No. 7622/2–4.

Minister Morgan to the Secretary of State.

No. 486.] AMERICAN LEGATION,
Habana, July 29, 1907.

SIR: In the department's No. 143, of the 18th instant (file No. 7622/1), with which was inclosed copy of a letter from Mr. F. W.

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[a] Not printed.

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Bacot, of Charleston, S. C., the legation was instructed to ascertain the value of a Cuban bond dated June 1, 1869, for the payment of which was pledged "the honor and faith of the people of Cuba in the name of Carlos Manuel de Cespedes, President of the Republic." I have now the honor to inclose copy in translation of a note received from the Cuban foreign office, in which it is stated that the bond in question has no value whatsoever. Transitory Rule No. 1, under Title XIV, amendments to the constitution, states:

The Republic of Cuba does not recognize any other debts and obligations than those legitimately contracted in behalf of the revolution by the corps commanders of the liberating army subsequent to the 24th day of February, 1895, and prior to the 19th day of September of the same year, the date on which the Jimaguayu constitution was promulgated, and such debts and obligations as the revolutionary government may have contracted subsequently, either by itself or through its legitimate representatives in foreign countries. Congress shall classify said debts and obligations and decide as to the payment of those that may be legitimate.

I have, etc., EDWIN V. MORGAN.

[Inclosure.—Translation.]

The Acting Minister for Foreign Affairs to Minister Morgan.

No. 599.] REPUBLIC OF CUBA, DEPARTMENT OF STATE,
Habana, July 25, 1907.

SIR: I have the honor to acknowledge receipt of your note, No. 183, of the 23d instant, in which you inclose copy in Spanish and English of a Cuban bond dated June 1, 1869, of which you desire information as to its face value and interest.

In reply, I have the honor to inform your excellency that regarding the said bond the Republic of Cuba can assume no responsibility, since it is provided in the first of the transitory rules of the constitution that—

"The Republic of Cuba does not recognize any other debts and obligations than those legitimately contracted in behalf of the revolution by the corps commanders of the liberating army subsequent to the 24th day of February, 1895, and prior to the 19th day of September of the same year, the date on which the Jimaguayu constitution was promulgated, and such debts and obligations as the revolutionary government may have contracted subsequently, either by itself or through its legitimate representatives in foreign countries. Congress shall classify said debts and obligations and decide as to the payment of those that may be legitimate."

I avail, etc., JUSTO GARCIA VELEZ,
Acting Head of the Department of State.

File No. 7622/5.

The Acting Secretary of State to Minister Morgan.

No. 151.] DEPARTMENT OF STATE,
Washington, October 23, 1907.

SIR: The department has received a letter, copy inclosed, from Mr. Chauncey Lobingier, of Pittsburg, Pa., inquiring as to the value of three certificates issued by the Republic of Cuba, June 1, 1869.

The department understands that, in view of title 14 of the transitory rules of the constitution of Cuba, these certificates have no value.

I should be glad to learn whether there has been any change in their status.

I am, etc., ROBERT BACON.

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File No. 7622/6.

Chargé Turner to the Secretary of State.

No. 549.] AMERICAN LEGATION,
Habana, October 29, 1907.

SIR: Replying to the department's instruction No. 151 (file No. 7622/5) of the 23d instant, with which was inclosed copy of a letter from Mr. Chauncey Lobingier inquiring about the value of three certificates issued by the Republic of Cuba, dated June 1, 1869, and signed by the treasurer and secretary of the junta, in which the Republic of Cuba pledges itself to pay the amount of money mentioned in the body of the certificate, either after the ratification of a treaty of peace between the Government of Spain and the Republic of Cuba, or after the overthrow of the authority of the Spanish Government in the island of Cuba, or after the recognition by the Government of the United States of America of the political independence of the island of Cuba, I have the honor to state that on inquiry at the Cuban foreign office I have been informed that these certificates are of no value, and that transitory rule No. 1, under Title XIV, amendments to the constitution, "The Republic of Cuba does not recognize any other debts and obligations than those legitimately contracted in behalf of the revolution by the corps commanders of the liberating army subsequent to the 24th day of February, 1895, and prior to the 19th day of September of the same year, the date on which the Jimaguayu constitution was promulgated, and such debts and obligations as the revolutionary government may have contracted subsequently, either by itself or through its legitimate representatives in foreign countries. Congress shall classify said debts and obligations and decide as to the payment of those that may be legitimate"— is still in force.

I have, etc., A. CAMPBELL TURNER.

PROVISION FOR THE SETTLEMENT OF CLAIMS GROWING OUT OF THE LATE CUBAN INSURRECTION.

File No. 2784/1.

Minister Morgan to the Secretary of State.

No. 279.] AMERICAN LEGATION,
Habana, November 26, 1906.

SIR: I have the honor to inclose, in duplicate, an extract from the Official Gazette of the 23d instant, which contained decree No. 158 of the provisional governor, relative to the collection of evidence and the settlement of claims arising against the Government of Cuba by reason of the recent insurrection in this island.

Although the personnel of the claims commission has not been announced, it is understood that it will be composed of two officers of the army of pacification and one judge of the audiencia of Habana. The American members will probably be Maj. Francis J. Kernan and Capt. George W. Read, of the general staff, and the Cuban official judge, Manuel Landa y Gonzalez.

I have, etc., EDWIN V. MORGAN.

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[Inclosure.]

Decree No. 158.] HAVANA, *November 22, 1906.*

I. To facilitate the collection of evidence and the settlement of claims which have been presented, or may hereafter be presented against the Government of Cuba, and which have arisen by reason of the recent insurrection, a claims commission is hereby established by decree to consist of three members, to be appointed by the provisional governor.

II. All claims will be transmitted, in the form hereinafter prescribed, to the department of state and justice, and will be entertained by the commission upon reference thereto by that department.

III. The functions of the commission are to investigate and report upon such claims as shall be properly submitted to it and to make such recommendations as may seem appropriate in each case; but its conclusions are merely advisory, and in every case final action both as to liability and indemnity, if any, is reserved for higher authority. The commission will report as to each claim and its recommendations thereon to the department of justice, for approval or modification as the law and evidence may require. A claimant being dissatisfied with the final action of the department of justice on his claim may appeal from said action to the provisional governor by filing in the department of justice a written request for such appeal within forty days after the action of the department of justice is had.

IV. The commission will hold its sittings ordinarily at the department of state and justice, in Habana, but when duly authorized by the provisional governor the commission, or its individual members, may proceed to other points in the Republic for the purpose of investigation.

V. All the authorized expenses of the commission, including the necessary office furniture and other supplies, are declared to appertain to the department of justice and will be defrayed out of the appropriations assigned in the budget to the judicial power (Chap. IV, Art. I), except transportation, which shall be a charge against the appropriation in section 4, treasury department, Chapter XI, Article I, on vouchers certified by the president of the commission, or by order of the other members of the commission in case of his absence or inability to act.

VI. The commission is authorized to employ an expert stenographer, who shall also be an expert translator of Spanish into English, and a clerk, at a monthly rate in each case, to be approved in advance by the provisional governor. No other pay, allowance, or emolument shall be allowed them, except their actual traveling and other necessary expenses when absent from Habana on duty by proper authority.

VII. The president of the commission shall call meetings of the commission and preside at the same, issue subpœnas in its name, and certify its expense vouchers. The member of the commission to act as president shall be designated by the provisional governor; also the recorder, to be responsible for the records and property pertaining to the commission.

VIII. Two members shall constitute a quorum for the transaction of business, but should a difference of opinion arise when only two are present, the matter will be left in abeyance until it can be decided by a majority of all the members.

IX. In arriving at conclusions, opinions, and recommendations, the action of the majority will be the action of the commission, but in all cases the right of the other member to express his views and the reasons therefor is fully recognized, and his minority report will be transmitted to the provisional governor, along with the report of the majority, for information.

X. The commission, and each of its members, shall have power to administer oaths, affirmations, and declarations in all matters pertaining to the duties assigned to it, and every person knowingly and wilfully swearing or affirming falsely in any proceedings before the commission shall be deemed guilty of perjury, and shall be tried and punished as now prescribed by the laws of Cuba for that offense when committed in its courts of justice.

XI. The commission may compel the production of books and papers, or copies thereof, relating to any matter before it, and cause witnesses to be subpœnaed, and if a person duly subpœnaed fails to obey the subpœna without reasonable cause, or shall, without such cause, refuse to be examined or to answer a legal or pertinent question, or to produce a book or paper which he is directed by subpœna to bring, or to subscribe his deposition after it has been correctly reduced to writing, the commission may remit the matter to the proper

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court to proceed against such witness, as in the case of a like failure or refusal of a witness subpœnaed to attend a trial before said court, as provided by existing law.

XII. All subpœnas shall be issued by the president of the commission, or by any two members thereof, and may be served by any person of full age authorized by the commission to serve the same. The fees of witnesses examined on the initiative of the commission shall be $2 American currency for each day's attendance and for each day or fraction thereof consumed in traveling to and from the place of attendance, and the actual cost of travel by the shortest generally traveled route in going to and returning from the place where the attendance of the witness is required.

XIII. In the case of any witness desired by the commission on its own initiative, but who is too poor to pay his own expenses, the commission may guarantee to any innkeeper the per diem allowance above authorized, and may direct the payment thereof to such guaranty.

XIV. The commission is empowered to make all necessary or convenient and proper rules and regulations of practice and procedure for the transaction of its business, subject to the approval of the provisional governor.

XV. Each claimant should file a petition in duplicate, properly dated and signed and duly verified upon oath or affirmation, setting forth:

(*a*) The age, place of birth, present residence, post-office address, and occupation of the petitioner, and his residence, nationality, and occupation at the time his claim had its origin.

(*b*) The amount of the claim, the time when and place where it arose, the kind or kinds and amount of property seized, lost, destroyed, or injured, with the amount claimed for each article of property, the facts and circumstances attending the loss or injury out of which the claim arises, the principles and causes which lie at the foundation of the claim and from which the liability of the Republic of Cuba is sought to be deduced.

(*c*) For and in behalf of whom the claim is preferred, giving Christian and surname in full.

(*d*) Whether the claimant at the time the claim originated and the time of presenting his petition was the sole and absolute owner of the entire amount of the claim; and if any person is or has been interested therein, or in any part thereof, then the name and address of such other person and the nature and extent of his interest; and how, when, and by what means, and for what consideration the transfer of rights or interests, if any such were made, took place between the parties.

(*e*) Whether the claimant, his representative, or any person interested in the amount of the claim, or any part thereof, has ever received any indemnification, for the whole or any part of the alleged loss or injury; and if so, the nature and amount of the indemnification, and when, from whom, and by whom the same was received.

(*f*) Documentary evidence must be duly authenticated by proper certificate, seals, or the oath of a witness.

XVI. All petitions, papers, and documents filed should be, if practicable, in the English language or accompanied by a good English translation of the same, duly verified. If this is not practicable, then the said petition, paper, or document must be submitted in the Spanish language.

XVII. If property of any description for the seizure, loss, or destruction of which a claim has been presented, was insured at the time of said seizure, loss, or destruction, the original policy of insurance, or, in case the original can not be procured with due diligence, a certified copy thereof, should be produced.

XVIII. If the claimant shall have employed counsel, the name of such counsel should, with his address, be signed to the petition, so that all necessary notice may be addressed to such counsel or agent respecting the case.

XIX. Claimants are required to conform as nearly as possible to the foregoing rules in preparing and forwarding their claims and papers accompanying the same.

XX. All claims comprised within the term of this decree must be submitted, as prescribed herein, within four months next following October 15, 1906, after which period the power of the commission to entertain new claims shall lapse. Provided, however, that if it shall be made to appear to the satisfaction of the provisional governor that the claimant had good reason for not presenting the claim earlier, it may, under his order, be received within a further consecutive period of three months.

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XXI. Alien claimants are authorized to avail themselves of the provisions of this decree in respect of the class of claims specified herein; or they may submit such claims through diplomatic channels, complying with the requirements of international law applicable in such cases in respect of approval of such claims by their respective governments.

CHARLES E. MAGOON,
Provisional Governor.

PEDRO F. DIAGO,
Acting Head of the Department of Justice.

SANITATION OF CUBAN CITIES.

File No. 8327/2.

Minister Morgan to the Secretary of State.

No. 508.] AMERICAN LEGATION,
Habana, August 30, 1907.

SIR: I have the honor to inclose in duplicate a portion of the Official Gazette of the 27th instant,[a] containing the decree issued by the provisional governor on the previous day relating to national sanitation. By this decree a national department of sanitation is created, at the head of which will be a chief sanitary officer, who is a qualified doctor of medicine. In addition to this official there will be a local sanitary officer for each municipality and a national sanitary board, which will serve as a consulting body.

I have the honor also to transmit in duplicate a cutting from the English page of La Lucha of the 28th instant,[a] which states the principal objection which the public press has raised in commenting upon this decree. That objection lies in the fact that the chief sanitary officer and the members of the national sanitary board are to be appointed by the President of the Republic for a term of four years, the inference being that as their term will be coincident with his the sanitary department will be injuriously affected by party politics.

It is presumed that Major Kean, the present acting adviser of the sanitary department, will be appointed the first chief sanitary officer. For the time being street cleaning and sprinkling, the removal of garbage and other wastes, public and private disinfection, and the draining of wet and marshy spots in the principal cities of the island will remain under the charge of the department of public works, where they are at present.

I have, etc., EDWIN V. MORGAN.

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[a] Not printed.

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DENMARK.

REGULATIONS CONCERNING COMMERCIAL TRAVELERS.

File No. 5774/48–49.

Minister O'Brien to the Secretary of State.

No. 165.] AMERICAN LEGATION,
Copenhagen, May 23, 1907.

SIR: I acknowledge the receipt of your circular letter of the 12th of April last (file No. 5774), relating to the laws and regulations in force in this country concerning the treatment of commercial travelers and admission of samples.

I will inclose herewith copies in both Danish and English of the edict of June 8, 1839, which seems to fully cover the subject.

I beg to add that the duty demanded from traveling salesmen upon their samples will, under certain conditions and regulations, be refunded upon being reexported.

I am informed that the rules and regulations touching the treatment of commercial traveling men and samples of merchandise are the same for all people, from whatever country coming.

I have not been able to obtain any printed copy of the law in question.

I have, etc., T. J. O'BRIEN.

[Inclosure.]

Extract from the edict of the 8th of June, 1839, for Denmark, containing particulars concerning the trading rights of foreigners.

Must not sell except in Copenhagen and market towns.

(1) Foreign merchants or commercial travelers coming to this Kingdom are not permitted to offer for sale or to make over goods elsewhere than in Copenhagen and the market towns (Kobstaederne) outside the capital. Neither are they permitted to offer for sale or to make over to persons other than those who

Must only sell to people who are entitled to deal in the goods sold.

are themselves lawfully entitled to trade as wholesalers or retailers and to manufacturers, mechanics, and other tradesmen. Moreover they may only deliver such goods as these respective dealers are themselves entitled to trade in, therefore they may only make over to manufacturers, mechanics, and other trades-

Must not sell lesser quantities than the buyers themselves are allowed to resell.

men such goods as each of the said persons needs for his or their respective trades. Likewise they are not permitted to make over goods in lesser quantities than those which wholesale dealers are themselves permitted to sell according to the commercial law of

Buying and reselling in Denmark.

29th of December, 1857 (p. 31). As to purchases effected in this country by foreigners and as to the prohibition of their reselling in this country goods which they have bought here, these matters are governed by the existing acts.

Formalities necessary on landing.

(2) The foreign merchant or commercial traveler intending to transact business in the Kingdom must at the first custom-house at which he arrives from abroad produce to the customs officer concerned certificates from the authorities of his native country showing whether it is for his own account or for the account of others—and in the latter case for the account of which

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merchant or which manufacturer—he intends to trade. At the customs-house of the said place a license (patent) is issued to him, the said license must, before it is used, be produced to the local police superintendent (politiembedsmand) who will indorse it without making any charge. The license is valid for a year from date of issue, and after the lapse of the year may be exchanged for a new one, also valid for a year and which will be issued by the customs-house at any place where the applicant may be staying for the time being. For the said license and for every renewal thereof, the persons concerned—if he trades solely for his own account or for that of one commercial firm or one manufacturer, must pay to the royal exchequer a fee of 80 rixdollars Danish currency (krone 160=about £9), but if he travels for several commercial firms or manufacturers he must pay a further 40 rixdollars Danish currency for each one.

Granting of license.

Duration of license.

Cost of license.

Charge for additional firms represented.

(3) If the person concerned carries samples, duty must be paid thereon in the manner decreed. Such samples as well as the pattern books or pattern cards which the commercial gentleman may carry, must be shown at the first custom-house at which he arrives from the foreign country, and a note is made on the license as to the nature and quantity of samples. At each town in which the foreigner intends to do business he must produce his license at the custom office as well as to the local police superintendent and it will be viséed by the latter as well as by the local customs officer without charge.

Duty on samples.

License to be produced at each town.

(4) Anyone having done business in a town before his license has been produced to the local police superintendent or in the event mentioned in page 3 to the police superintendent and to the customs authorities will be fined 8 rixdollars (krone 16). Anyone guilty of any other infraction of the above regulations will in addition to the fine inflicted for unlawful trading and for violation of the customs regulations also pay the proper fee, if such ought to have been paid, and a fine of 32 rixdollars (krone 96) for the second and 64 rixdollars (krone 128) for the third time. Anyone committing for the fourth time such a violation of the regulations, besides being again fined 64 rixdollars, forfeits his right to travel and offer for sale or supply goods in the kingdom; and if a foreigner, he will be expelled from the country by the police. Samples which have not been produced in the prescribed manner will be confiscated.

Penalty for not producing license.

Penalty for trading without a license.

Confiscation of samples.

ADMINISTRATION OF ESTATES OF DANISH SUBJECTS DECEASED IN THE UNITED STATES.

File No. 4825.

The Danish Minister to the Secretary of State.

[Translation.]

LEGATION OF DENMARK,
Washington, February 25, 1907.

MR. SECRETARY OF STATE: The number of Danish immigrants in the United States is already quite considerable, and according to statistics the persons of Danish nationality who leave Denmark every year to come and settle in the United States average from five to eight thousand. Thus is there a constant increase of persons of Danish origin or kinship, with the result, among others, that the number of residents of Denmark who fall heirs to a person deceased in the United States is also large.

In most cases the estate is rather small and would not bear the costs of the services of a lawyer or some other professional attorney or of a protracted administration. The estate would at least be so

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much reduced by these expenses that its possession would be of scant value to the heir considering the sacrifices in time and exertion required to obtain it.

Experience further shows that delays and attending costs are often caused by the difficulty Danish heirs find in coming to an agreement with lawyers and other professional attorneys in America owing to the differences in the languages and systems of law and jurisprudence. Again, it sometimes happens that Danish subjects do not hear of the death of their relative in the United States until long after it has occurred, whereas earlier information would have enabled them to avoid delay and costs and to take measures regarding the disposal of the estate to their better advantage.

My Government believes this situation may to some extent be remedied by a convention with the United States by which the consuls, vice-consuls, or consular agents of Denmark in this country would be authorized to represent and protect the interests of Danish heirs and creditors, without a special power of attorney, in every case of deaths of Danish subjects in the United States as well as in the cases of Danish heirs to the estate of a person deceased in the United States.

I am therefore instructed to inquire of your excellency whether the Government of the United States would be disposed to enter upon the negotiation of such a convention, and if so, what scope the American Government would like the convention to have.

Be pleased, etc., C. BRUN.

File No. 4825.

The Secretary of State to the Danish Minister.

No. 678.] DEPARTMENT OF STATE,
Washington, May 2, 1907.

SIR: I have the honor to acknowledge the receipt of your note of February 25 last, in which you mention certain inconveniences which sometimes arise in the settlement of estates in this country where the decedent or his heirs or representatives are Danish subjects, and inquire whether, in view of the considerable number of persons of Danish nationality in the United States, this Government would be disposed to negotiate a convention by which "the consuls, vice-consuls, or consular agents of Denmark in this country would be authorized to represent and protect the interests of Danish heirs and creditors without a special power of attorney in every case of deaths of Danish subjects in the United States, as well as in the cases of Danish heirs to the estate of a person deceased in the United States."

The department does not understand whether it is proposed that there be granted to the consular representatives of Denmark in the United States the right of administration upon estates in this country, which would be equivalent to a grant of probate jurisdiction and the assumption by such representatives of extraterritorial rights for these purposes, or whether it is intended to confer upon these consular officers the right to take charge of or represent all Danish interests in the estate of a decedent, whether they be claims for or against such estate, and whether the decedent be a Danish subject or a person of other nationality.

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In either case, however, it should be said that a treaty would be objectionable. The United States has entered into no treaty with any foreign country granting either of the rights in question, and it considers it undesirable to establish a precedent in this regard.

Accept, sir, etc.,

ELIHU ROOT.

AGREEMENT BETWEEN THE UNITED STATES AND DENMARK FOR THE PROTECTION OF TRADE-MARKS IN CHINA.

(See under China, p. 266.)

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DOMINICAN REPUBLIC.

FINANCIAL AFFAIRS IN THE DOMINICAN REPUBLIC.

File No. 1199/176–177.

Minister McCreery to the Secretary of State.

No. 6.] AMERICAN LEGATION,
Santo Domingo, May 18, 1907.

SIR: I have the honor to inclose a copy and translation of act of the National Congress, signed by the President on the 14th instant, declaring a loan of $20,000,000 for the amortization of the debt of the Republic and the redemption of certain concessions to be for public good.

This is done under paragraph 11 of article 25 of the constitution, defining as an attribute of the Congress: "To decree the making of loans on the credit of the nation. No loan shall be voted without a previous decree that it is for the public good."

Contracts made by the Dominican Government for the loan above referred to will be discussed by the Congress next week. It is said that a number of changes and amendments will be proposed and a considerable discussion is expected.

I have, etc., FENTON R. MCCREERY.

[Inclosure.—Translation.]

[From Gaceta Oficial, Santo Domingo, May 15, 1907.]

Decree relative to loan of $20,000,000.

The National Congress, in the name of the Republic.

By virtue of paragraph 11 of article 25 of the constitution decrees:

ARTICLE 1. It is declared to be for the public good to contract a loan for an amount not exceeding twenty million dollars American gold, with interest not exceeding five per cent per annum, setting aside for the payment of interest and the sinking fund the sum of one million two hundred thousand dollars gold annually, to be taken from the customs receipts of the Republic at the rate of one hundred thousand dollars gold monthly.

ART. 2. The proceeds of this loan shall be applied to the amortization of all the actual debts of the Republic, internal and external, and to the redemption of certain concessions which, being onerous or obstructive to the progress of the Republic, it is considered advisable to redeem. Any resulting surplus shall be applied only to the stimulation of enterprises and industries whose benefit has been previously recognized by the National Congress.

The contracts which may be made to effect the loan shall be submitted to Congress for constitutional action.

Transmit to the executive authority for constitutional action.

Done in the hall of the National Congress on the 13th day of May, 1907, 64th year of the independence and 44th of the restoration.

The president: Ramon O. Lovation.

The secretaries: M. M. Sanabia, C. A. Nouel.

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Let it be executed, communicated by the corresponding department, published in all the territory of the Republic, and observed.

Done in the national palace of Santo Domingo, capital of the Republic, on the 14th day of May, 1907, the 64th year of the independence and the 44th of the restoration.

The President of the Republic, RAMON CACERES.

Countersigned:

The Minister of Finance and Commerce,
FEDCO. VELAZQUEZ H.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINICAN REPUBLIC PROVIDING FOR THE ASSISTANCE OF THE UNITED STATES IN THE COLLECTION AND APPLICATION OF THE CUSTOMS REVENUES OF THE DOMINICAN REPUBLIC, THE ENABLING ACT, AND OTHER CORRESPONDENCE RELATIVE TO THE INTERPRETATION AND ENFORCEMENT OF THE TREATY.

Convention concluded February 8, 1907. Ratification advised by Senate February 25, 1907. Ratified by President June 22, 1907. Ratified by President of the Dominican Republic June 18, 1907. Ratifications exchanged at Washington July 8, 1907. Proclaimed July 25, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention between the United States of America and the Dominican Republic providing for the assistance of the United States in the collection and application of the customs revenues of the Dominican Republic was concluded and signed by their respective plenipotentiaries at the city of Santo Domingo, on the eighth day of February, one thousand nine hundred and seven, the original of which convention, being in the English and Spanish languages, is word for word as follows:

Whereas during disturbed political conditions in the Dominican Republic debts and claims have been created, some by regular and some by revolutionary governments, many of doubtful validity in whole or in part, and amounting in all to over $30,000,000, nominal or face value;

And whereas the same conditions have prevented the peaceable and continuous collection and application of national revenues for payment of interest or principal of such debts or for liquidation and settlement of such claims; and the said debts and claims continually increase by accretion of interest and are a grievous burden upon the people of the Dominican Republic and a barrier to their improvement and prosperity;

And whereas the Dominican Government has now effected a conditional adjustment and settlement of said debts and claims under which all its foreign creditors have agreed to accept about $12,407,000 for debts and claims amounting to about $21,184,000 of nominal or face value, and the holders of internal debts or claims of about $2,028,258 nominal or face value have agreed to accept about $645,827 therefor, and the remaining holders of internal debts or claims on

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the same basis as the assents already given will receive about $2,400,000 therefor, which sum the Dominican Government has fixed and determined as the amount which it will pay to such remaining internal debt holders; making the total payments under such adjustment and settlement, including interest as adjusted and claims not yet liquidated, amount to not more than about $17,000,000;

And whereas a part of such plan of settlement is the issue and sale of bonds of the Dominican Republic to the amount of $20,000,000, bearing five per cent interest, payable in fifty years, and redeemable after ten years at 102½, and requiring payment of at least one per cent per annum for amortization, the proceeds of said bonds, together with such funds as are now deposited for the benefit of creditors from customs revenues of the Dominican Republic heretofore received, after payment of the expenses of such adjustment, to be applied first to the payment of said debts and claims as adjusted, and, second, out of the balance remaining to the retirement and extinction of certain concessions and harbor monopolies which are a burden and hindrance to the commerce of the country, and, third, the entire balance still remaining to the construction of certain railroads and bridges and other public improvements necessary to the industrial development of the country;

And whereas the whole of said plan is conditioned and dependent upon the assistance of the United States in the collection of customs revenues of the Dominican Republic and the application thereof so far as necessary to the interest upon and the amortization and redemption of said bonds, and the Dominican Republic has requested the United States to give and the United States is willing to give such assistance:

The Dominican Government, represented by its minister of state for foreign relations, Emiliano Tejera, and its minister of state for finance and commerce, Federico Velasquez H., and the United States Government, represented by Thomas C. Dawson, minister resident and consul-general of the United States to the Dominican Republic, have agreed:

1. That the President of the United States shall appoint a general receiver of Dominican customs, who, with such assistant receivers and other employees of the receivership as shall be appointed by the President of the United States in his discretion, shall collect all the customs duties accruing at the several customs houses of the Dominican Republic until the payment or retirement of any and all bonds issued by the Dominican Government in accordance with the plan and under the limitations as to terms and amounts hereinbefore recited; and said general receiver shall apply the sums so collected, as follows:

First, to paying the expenses of the receivership; second, to the payment of interest upon said bonds; third, to the payment of the annual sums provided for amortization of said bonds, including interest upon all bonds held in sinking fund; fourth, to the purchase and cancellation or the retirement and cancellation, pursuant to the terms thereof, of any of said bonds as may be directed by the Dominican Government; fifth, the remainder to be paid to the Dominican Government.

The method of distributing the current collections of revenue in order to accomplish the application thereof as hereinbefore provided shall be as follows:

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The expenses of the receivership shall be paid by the receiver as they arise. The allowances to the general receiver and his assistants for the expenses of collecting the revenues shall not exceed five per cent unless by agreement between the two Governments.

On the first day of each calendar month the sum of $100,000 shall be paid over by the receiver to the fiscal agent of the loan, and the remaining collection of the last preceding month shall be paid over to the Dominican Government, or applied to the sinking fund for the purchase or redemption of bonds, as the Dominican Government shall direct.

Provided, That in case the customs revenues collected by the general receiver shall in any year exceed the sum of $8,000,000, one-half of the surplus above such sum of $3,000,000 shall be applied to the sinking fund for the redemption of bonds.

II. The Dominican Government will provide by law for the payment of all customs duties to the general receiver and his assistants, and will give to them all needful aid and assistance and full protection to the extent of its powers. The Government of the United States will give to the general receiver and his assistants such protection as it may find to be requisite for the performance of their duties.

III. Until the Dominican Republic has paid the whole amount of the bonds of the debt its public debt shall not be increased except by previous agreement between the Dominican Government and the United States. A like agreement shall be necessary to modify the import duties, it being an indispensable condition for the modification of such duties that the Dominican Executive demonstrate and that the President of the United States recognize that, on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would at such altered rates of duties have been for each of such two years in excess of the sum of $2,000,000 United States gold.

IV. The accounts of the general receiver shall be rendered monthly to the contaduria general of the Dominican Republic and to the State Department of the United States and shall be subject to examination and verification by the appropriate officers of the Dominican and the United States Governments.

V. This agreement shall take effect after its approval by the Senate of the United States and the Congress of the Dominican Republic.

Done in four originals, two being in the English language, and two in the Spanish, and the representatives of the high contracting parties signing them in the city of Santo Domingo this 8th day of February, in the year of our Lord 1907.

THOMAS C. DAWSON.
EMILIANO TEJERA.
FEDERICO VELAZQUEZ H.

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the eighth day of July, one thousand nine hundred seven;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause

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thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington, this 25th day of July in the year of our Lord one thousand nine hundred and seven, and of the [SEAL.] Independence of the United States of America the one hundred and thirty-second.

THEODORE ROOSEVELT.

By the President:
ROBERT BACON,
Acting Secretary of State.

File No. 1199/170–172.

The Dominican Minister to the Secretary of State.

[Translation.]

DOMINICAN LEGATION,
Washington, May 24, 1907.

MOST EXCELLENT SIR: I have the honor to transmit to your excellency a copy of the resolution adopted by the Dominican Congress on the 3d instant approving the Dominico-American convention signed on the 8th day of February, 1907, and a copy of the communication addressed to the minister of foreign relations under date of the 6th instant by the minister of the interior and police, quoting the communication addressed to the said minister of the interior and police by the President of the National Congress in forwarding to him the resolution approving the said convention. Both documents show that the National Congress has approved the pending convention without altering its text; but as that body deemed it expedient to make some explanations which it embodied in the resolution that approves the convention, in his desire to avoid any ambiguity and dispel the doubts that might arise in interpreting it, the minister of foreign relations has instructed me to bring those explanations to your excellency's knowledge, in order to learn whether the President of the United States finds them consistent with the terms of the convention and whether the convention may go into effect as soon as it is duly promulgated.

I avail myself, etc., EMILIO C. JOUBERT.

[Inclosure 1.—Translation.]

MINISTRY OF FOREIGN RELATIONS OF THE DOMINICAN REPUBLIC.

The National Congress in the name of the Republic: In the exercise of the powers conferred upon it by section 17 of article 25 of the political constitution of the State, and after examination of the Dominico-American convention signed ad referendum on the 8th of February of the current year 1907, whose text reads as follows [here follows the text of the treaty in full]:

Whereas this high body has deemed it expedient, in order to avoid any ambiguity, to place at the foot of the said treaty the following explanations:

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(*a*) As to article 1: It is understood that the employees mentioned in that article do not in any case include those who are to be appointed by the Dominican executive power in the custom-houses of the Republic in accordance with our existing laws. (*b*) As to article 2: The protection of the receiver-general and his assistants by the American Government shall only take place in case the Dominican Government should find it impossible to extend it. (*c*) As to the second part of article 3: It is understood that the urgent and requisite tariff reform may be carried out immediately, in accordance with the tenor of the text, since the Dominican executive power can demonstrate that during the two years preceding the current one customs receipts have exceeded $2,000,000. (*d*) Add to article 5 * * * and after ratification by the high contracting parties.

Resolves:

Sole (article). To approve, and does hereby approve, with the above-stated explanations, the Dominico-American convention signed ad referendum the 8th of February of the current year.

Let it be sent to the executive power for the purposes provided by the constitution.

Given in the hall of sessions of the palace of Congress the third day of the month of May, 1907, the sixty-fourth year of the independence and the forty-fourth of the restoration.

(Signed) RAMON O. LOVATON,
President.

(Signed) M. M. SANABIA,
C. A. NOUEL,
Secretaries.

A true copy agreeing with the original by me certified.

SANTO DOMINGO, *May 7, 1907.*

JOSÉ DE J. CASTRO C.,
Chief Clerk of the Ministry of Foreign Relations.

[Inclosure 2.—Translation.]

The Minister of the Interior and Police to the Minister for Foreign Affairs.

MINISTRY OF INTERIOR AND POLICE,
Santo Domingo, May 6, 1907.

MR. MINISTER: For the purposes that concern the department under your direction, I have the honor to transcribe for you the communication that on the 4th of May the president of the honorable National Congress directed to this ministry. He says as follows:

"I have the honor to inclose herewith, it having already received the approval of two-thirds of the members of the National Congress in the session of yesterday, the Dominican-American convention signed ad referendum on the 8th of February, 1907, and submitted for the approval of this body by the special message of the President of the Republic, dated April 5 last. Congress assumes, in giving its approval to this international document, that the explanations introduced in the resolution approving said convention alter in no respect the text of the convention, and only serve to clear up the doubts that might occur in its interpretation."

I inclose herewith the treaty to which the said above transcribed communication refers.

I salute you very attentatively.

(Signed) M. LAMARCHE GARCIA.

To the MINISTER OF FOREIGN RELATIONS,
Government Palace, Santo Domingo.

This is an exact copy of the original.

(Signed) JOSÉ DE J. CASTRO,
Chief Clerk of the Department of Foreign Relations.

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File No. 1199/170–172.

The Secretary of State to the Dominican Minister.

DEPARTMENT OF STATE,
Washington, May 24, 1907.

SIR: I have the honor to acknowledge the receipt of your note of this date transmitting a copy of a letter from Mr. Lamarche Garcia, minister of the interior of Santo Domingo, to the minister of foreign relations of that Republic, dated May 6, 1907, which quotes from a communication of the President of the Dominican Congress, dated May 4, 1907. Your letter also incloses a copy of a resolution of the Dominican Congress, dated May 3, 1907, which contains an approval of the pending convention between the United States and the Dominican Republic, together with certain explanatory statements.

I note that the President of the Congress says in his communication of May 4 that the explanations introduced in the resolution approving said convention alter in no respect the text of the convention and only serve to clear up the doubts that might occur in its interpretation.

The explanations seem to be in the nature of statements of what the Dominican Congress understands that the operation of the treaty will be. If I understand them correctly, they entirely agree with the views entertained by the Government of the United States. In order to avoid any possibility that I may misunderstand the somewhat general language of the first explanation relating to Article I of the treaty, I will observe that the understanding of the Government of the United States is that the vesting in the President of the United States, under that article, of the power to appoint a general receiver, assistant receivers, and other employees of the receivership will not exclude or prevent the appointment of any other officers or employees by the Dominican executive authority; but such other officers or employees would not be authorized to take part in the collection of the customs revenues or other duties of the receivership except as they render assistance to the general receiver with his approval.

It thus appears that both Governments will construe the treaty in the sense of the explanations included in the congressional resolution, and the object of the explanations seems to be accomplished. Your Government will, I am sure, understand that it is not only unnecessary but impossible for the President of the United States to make those explanations any part of the treaty, which he is obliged to ratify, if at all, as it was approved by the Senate of the United States, and that without the consent of the Senate he can not make any further or other treaty with regard to these explanations. If ratifications are to be exchanged it must therefore suffice that the various explanations which have been made have developed entire harmony of opinion between the two Governments regarding the meaning and effect of the treaty, and the ratifications should be of the treaty itself without including therein or appending thereto any additions or explanations. This would appear to be the course necessary to give effect to the intent of your Congress to alter in no respect the text of the convention.

Accept, etc., ELIHU ROOT.

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File No. 1199/202–203.

Minister McCreery to the Secretary of State.

No. 17.] AMERICAN LEGATION,
Santo Domingo, June 19, 1907.

SIR: Referring to my No. 15 of the 11th instant,[a] reporting that the resolution of the Dominican Congress approving the convention, with certain explanatory statements, would be published in the Gaceta Oficial of last week, and that a part of your note of May 24, 1907, to the Dominican minister in Washington relative to this resolution would be published in the same issue, I have the honor to inclose these publications as made on the 12th instant, together with translations.

The official editorial says that the explanatory statements were communicated by the Dominican minister in Washington to the department; that one of the contracting parties having developed doubts regarding the meaning of certain stipulations of the convention, it was necessary that the other party should declare whether it understood them in the same sense as did the Dominican Congress. That part of your note to Mr. Joubert of May 24, 1907, from its beginning to the end of the following sentence, is then inserted: "It thus appears that both Governments will construe the treaty in the sense of the explanations included in the congressional resolution, and the object of the explanations seems to be accomplished." The official editorial goes on to say that the Dominican Congress and the American Government understand the principal stipulations of the convention in the same sense; and to become effective it has only to be ratified by the Executives of the Dominican Republic and the United States, and these ratifications exchanged. The official editorial concludes by saying that ratification should be effected by the Dominican Government as soon as possible, not only because the Congress has so disposed, but also because the actual operation of the convention is the basis of all the financial arrangements on which the clear-headed men of the country found the national progress.

The ratification of the Dominican Executive for exchange will go forward to Washington to-morrow.

I have, etc., FENTON R. MCCREERY.

[Inclosure.—Translation.]

[From Gaceta Oficial, June 12, 1907.]

IMPORTANT DOCUMENTS.

We publish in a preferential place the resolution of the National Congress of May 3 last, approving the Dominican-American convention of February 8 of the present year.

The stipulations of said convention appear perfectly clear. Notwithstanding this, and in order to avoid all ambiguity, the honorable legislative body deemed it advisable to make the explanatory statements which appear in the resolution marked (*a*), (*b*), (*c*). It believed it also advisable to dispose that the treaty should not be operative until ratified. (Vide 5.)

As was required, these explanatory statements were communicated by our minister resident in Washington to the Department of State of the American Union. One of the contracting parties having developed doubts regarding the meaning of certain stipulations, it was necessary that the other party should

[a] Not printed.

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examine said stipulations and declare whether it understood them in the same sense as did our National Congress.

On May 24 last the American Department of State answered the note of our minister resident in Washington.[a] To be clearer and more exact, we copy the part of said note referring to the real meaning which should be given to the explanatory statements.

The timely action of the Dominican Congress has resulted happily. The Congress and the American Government understand in the same sense the principal stipulations of the convention, and thus, perhaps, many future difficulties have been avoided.

Now that the convention signed on February 8 may be promulgated and be a law, of the Dominican State as well as of the American State, there remains to be effected the ratification of the executive authority of the Republic and the President of the United States and the exchange of these ratifications.

On the part of our Government this ratification should be made as soon as possible, not only because the National Congress has so disposed, but also because the actual operation of the convention is the basis of all the financial arrangements on which the clear-headed men of the country found the national progress.

Legislative authority.

The National Congress, in the name of the Republic.

Under the authority conferred by section 17 of article 25 of the political constitution of the State and acting upon the Dominican-American convention celebrated ad referendum on February 8 of the current year, 1907, the text of which reads as follows. [Here follows the convention in extenso.]

Considering that in order to avoid all ambiguity this high body deems it advisable to append at the foot of said treaty the following explanatory statements:

(*a*) To article first: It is understood that the employees of which this article speaks do not include in any case those which under our actual laws should be appointed by the Dominican executive authority in the custom-houses of the Republic.

(*b*) To article second: This protection of the American Government to the general receiver and his assistants will be given only in case the Dominican Government is unable to give it.

(*c*) To the second part of article third: It is understood that the urgent and necessary tariff reform can be effected immediately, in conformity with the tenor of the text, seeing that the Dominican executive authority can demonstrate that in the two years preceding the current year the customs receipts have exceeded $2,000,000.

(*d*) To add to clause fifth: And upon ratification by the high contracting parties.

Resolves: Sole section. To approve, as by the present it does approve, with the explanatory statements above set forth, the Dominican-American convention celebrated ad referendum on February 8 of the current year, 1907.

Transmit to the executive authority for constitutional action.

Done in the hall of congress the 3d day of May, 1907, the sixty-fourth year of the independence and the forty-fourth of the restoration.

RAMON O. LOVATON,
President.

[SEAL OF NATIONAL CONGRESS OF THE DOMINICAN REPUBLIC.]

M. M. SANABIA,
C. A. NOUEL,
Secretaries.

File No. 1199/216-7.

Minister McCreery to the Secretary of State.

No. 21.] AMERICAN LEGATION,
Santo Domingo, July 8, 1907.

SIR: One of the last acts of the Dominican Congress before adjourning, on the 26th ultimo, provides that, in view of the terms of

[a] Supra.

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the convention, from the date of ratification of the convention "the payment of customs duties which, according to the schedules made by the interventores, may accrue in the Republic shall be made direct to the general receiver or his assistants for distribution in conformity with the terms of the convention."

I inclose a copy of the law as approved by the President, together with translation.

The functions of an interventor, as I understand them, combine those of examiner of merchandise and appraiser. He classifies the merchandise, appraises it, and, in fact, decides what duty it shall pay.

Under the modus vivendi, interventores have been appointed deputy collectors, and as such have assisted the receivership. Interventores acting as independent officials fixing the duties to be collected might not always be of assistance to the receivership.

I confirm my telegram of the 7th instant, as follows:

SANTO DOMINGO, *July 7, 1907.*

SECSTATE, *Washington:*

On June 26 Congress passed a law which was approved by the President and which provides that in view of articles 1, 2, and 5 of the convention from the date of the ratification of the convention the payment of the customs duties which according to the schedules made by the interventores may accrue in the Republic shall be made direct to the general receiver or his assistants for the purposes of the convention.

McCREERY.

I have, etc.,

FENTON R. McCREERY.

[Inclosure.—Translation.]

[From Gaceta Oficial No. 1800, June 29, 1907.]

Decree of June 26, 1907, relative to payment of Dominican customs duties to general receiver.

The national congress, in the name of the Republic, urgency declared.

In view of articles 1, 2, and 5 of the Dominican-American convention, approved by this high body on May 3 of the present year,

Decrees: Sole article. From the date of the ratification of the said Dominican-American convention the payment of the customs duties which, according to the schedules made by the interventores, may accrue in the Republic shall be made directly to the general receiver or to his assistants for distribution in conformity with the terms of the said convention.

Transmit to the executive authority for constitutional ends.

Done in the hall of congress, 26th day of June, 1907; the sixty-fourth year of the Independence and the forty-fourth of the Restoration.

RAMON O. LOVATON,
President.
JOAQUIN E. SALAZAR,
DARIO MANON,
Secretaries.

Let it be executed, communicated by the corresponding department, published throughout the Republic, and observed.

Done in the national palace at Santo Domingo, capital of the Republic, the 26th day of June, 1907; the sixty-fourth year of the Independence and the forty-fourth of the Restoration.

R. CACERES,
President of the Republic.

Countersigned:

FEDCO VELAZQUEZ H.,
Minister of Finance and Commerce.

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File No. 1199/222-223.

Minister McCreery to the Secretary of State.

No. 25.] AMERICAN LEGATION,
Santo Domingo, July 25, 1907.

SIR: Referring to my telegram of the 22d ultimo[a] stating that the ratification of President Caceres, of the Dominican-American convention, for exchange was mailed on the 20th ultimo, and referring to my No. 15, of the 11th ultimo, showing the form of such ratification, I have the honor to inform you that this ratification, with the protocol of exchange of ratifications made in Washington July 8, 1907, was published in the Gaceta Official of yesterday. (Copy and translation inclosed.)

I confirm my telegram of to-day:

SANTO DOMINGO, *July 25, 1907.*

SECSTATE, *Washington:*

The treaty as ratified by the Dominican President was published in Official Gazette of yesterday, together with protocol of exchange.

MCCREERY.

I have, etc., FENTON R. MCCREERY.

[Inclosure.—Translation.]

[From Gaceta Oficial, July 24, 1907.]

RATIFICATION OF DOMINICAN-AMERICAN CONVENTION BY DOMINICAN PRESIDENT AND PROTOCOL OF EXCHANGE.

The executive authority of the Dominican Republic.

To all to whom these presents shall come, greeting:

Whereas a convention was signed in the city of Santo Domingo on the eighth day of February, one thousand nine hundred and seven, by the plenipotentiaries of the Dominican Republic and the United States of America, a true copy of which convention, in Spanish and English, is word for word as follows. [Here follows copy of convention, in Spanish and English.]

And whereas by a resolution of the third of May of the present year the national congress approved said convention, the executive authority of the Republic confirms and ratifies the aforesaid convention in all and every one of its stipulations, as above written, and promises that every article and clause thereof will be inviolably observed.

In testimony whereof these presents are executed, sealed with the seal of the Republic, and signed and countersigned in the city of Santo Domingo the nineteenth day of June, in the year of our Lord 1907.

RAMON CACERES,
President of the Republic.

Countersigned:

E. TEJERA. [SEAL.]
Minister of Foreign Relations.

Protocol of exchange.

The undersigned plenipotentiaries having met with the object of exchanging the ratifications of the convention signed between the Dominican Republic and the United States on February 8, 1907, providing for the assistance of the United

[a] Not printed.

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States in the collection of the customs duties of the Dominican Republic and the application of the said customs duties, and the ratifications of said convention having been carefully compared and having been found to exactly conform one with the other, the exchange was to-day effected in the usual form.

In testimony whereof this protocol of exchange is signed and sealed.

Done in Washington the 8th day of July, 1907.

EMILIO C. JOUBERT. [SEAL.]
ROBERT BACON. [SEAL.]

File No. 1199/227A.

The Acting Secretary of State to Minister McCreery.

DEPARTMENT OF STATE,
Washington, August 8, 1907.

SIR: I confirm my telegram of this day's date, reading as follows:

For sake of regularity, inform Dominican Government William E. Pulliam and James H. Edwards appointed, respectively, general receiver and assistant receiver of customs under convention. Appointments taking effect August 1, now on way to them.

I inclose for your information and that of the Dominican Government a copy of the regulations promulgated by the President for the government of the customs receivership under the convention.

Referring to item 2 of the regulations, you may say to the Dominican Government that the President has fixed the compensation for Mr. Pulliam at the rate of $6,000 per annum and of Mr. Edwards at the rate of $4,500 per annum, and that in addition thereto the former will receive a per diem allowance of $9 and the latter a per diem allowance of $4, in lieu of quarters, light, and fuel.

I am, etc.,

ROBERT BACON.

[Inclosure.]

[EXECUTIVE ORDER.]

THE WHITE HOUSE,
Washington, July 25, 1907.

Whereas the convention concluded on the 8th of February, 1907, between the United States of America and the Dominican Republic has been duly signed and ratified by the Governments of said countries, the following regulations are hereby promulgated for the government of the customs receivership established thereunder:

General regulations for the government of the Dominican customs receivership under and in pursuance of the convention of February 8, 1907, between the United States of America and the Dominican Republic.

1. In accordance with the provisions of article 4 of the convention, the accounts of the general receiver shall be rendered to the contaduria general of the Dominican Republic and to the State Department of the United States, and referred for examination and verification to the Bureau of Insular Affairs, which shall have immediate supervision and control of the receivership, pursuant and subject to such directions in regard thereto as shall be received from the President directly or through the Secretary of State.

2. The President of the United States will appoint and fix the salaries of the general receiver of Dominican customs, of the deputy general receiver of Dominican customs, as well as of all other customs employees under the receivership. In cases of emergency, provisional appointments and removals for cause may be made in the discretion of the general receiver, subject to the approval of the President of the United States.

3. The accountable bonds to be required by the receivership, except as herein otherwise provided, shall be fixed by the general receiver, subject to the approval of the chief of the Bureau of Insular Affairs.

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4. Under the Bureau of Insular Affairs, the general receiver shall have full charge and control of the Dominican customs receivership within the scope of the convention of February 8, 1907, between the United States of America and Dominican Republic, and shall enforce and comply with the provisions thereof. He shall give bond in such form and amount as may be determined by the chief of said bureau.

5. The deputy general receiver shall assist the general receiver in the performance of his duties and in matters pertaining to the receivership in such manner as the general receiver shall direct, and in the absence or disability of the latter the deputy general receiver shall perform the duties of the general receiver, and assume, without formal transfer, the corresponding accountability. The deputy general receiver shall give bond under the same conditions as the general receiver.

6. The general receiver shall pay all necessary and authorized expenses of the receivership as they arise, within the limitations of the convention. The allowance not exceeding 5 per cent "for the expense of collecting the revenues," under article 1 of the convention, shall be considered as available only for the payment of the customs expense of the central office of the receivership, its special customs agents and the several customs houses of the Republic as authorized by the said general receiver or other proper authority of the United States Government.

7. All of the expenditures and disbursements of funds handled by the receivership shall be covered by complete vouchers in duplicate; one copy of each such voucher shall be retained as a part of the permanent files of the central office of the receivership, and the other transmitted to the Dominican Government, together with the corresponding accountable returns.

8. All books, records, and accounts of the receivership shall be kept available and accessible for examination, inspection, and audit at any time by officers designated for that purpose, in accordance with the convention, by either the Dominican or the United States Government. Such books, records, and accounts shall constitute permanent archives of the central office of the receivership, and shall not be removed therefrom.

9. The general receiver, or in his absence, the deputy general receiver, shall submit the following reports to the Bureau of Insular Affairs, and to the Dominican Government:

I. On the 1st of each month, or as soon thereafter as practicable, the accountable returns covering all transactions of the receivership during the preceding month.

II. On the 1st of each month, or as soon thereafter as practicable, a consolidated report of the receipts and expenditures of the Dominican customs service during the preceding month, accompanied by the corresponding statement for each entry port of the Republic separately.

III. For the six months ending June 30 and December 31 of each year, and as soon as practicable after those dates, statistical reports of the commerce of the Republic.

IV. At the end of each fiscal year of the receivership, starting from the date upon which the operations of the receivership begin under the convention, and as soon thereafter as practicable, a general report of all transactions of the receivership during each such year, together with such collateral data and remarks as may be deemed pertinent thereto.

10. The general receiver shall prepare and promulgate from time to time such additional regulations as he may deem necessary for the proper conduct of the service under his direction. Copies of all such regulations and formal orders issued shall be transmitted, as soon as practicable after their issuance, to the Bureau of Insular Affairs, and shall be subject to the approval of the chief of that bureau.

11. When deemed necessary, and at least once in each fiscal year, a personal inspection and examination of all accounts and records of the receivership shall be made in Santo Domingo by a representative of the Bureau of Insular Affairs, who shall file with said bureau a full report of his findings for such action as may be required.

12. From and after August 1, 1907, upon which date these regulations shall become effective, and until such time as the provisions of the convention, through the completion of the corresponding financial arrangement, become fully operative, the general receiver shall, in his own name as such general receiver, in a new account, continue to make the same disposition of the funds received by him as heretofore.

THEODORE ROOSEVELT.

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File No. 1199/262–265.

Minister McCreery to the Secretary of State.

AMERICAN LEGATION,
Santo Domingo, August 28, 1907.

SIR: I have the honor to acknowledge the receipt of the department's unnumbered instruction of the 8th instant, confirming its telegram of the same date, and inclosing for my information and that of the Dominican Government a copy of the regulations promulgated by the President for the government of the customs receivership under the convention.

I inclose a copy of my note transmitting a copy of the regulations to the minister for foreign affairs for the information of the Dominican Government, and mentioning the compensation fixed by the President for Mr. William E. Pulliam as general receiver and Mr. James H. Edwards as assistant receiver of customs under the convention.

Copy and translation of Mr. Tejera's reply, stating that my note and inclosure were brought to the knowledge of the minister of finance and commerce, are herewith inclosed.

On the 24th instant the receiver-general exhibited his appointment to the minister of finance and commerce. The minister on the same date informed the receiver-general in writing that he had brought his appointment and that of the assistant receiver to the knowledge of the executive authority and that he had issued a notice announcing these appointments, taking effect the 1st instant.

I inclose the notice, dated the 24th instant, and a translation into Spanish of the regulations, as published in the Gaceta Oficial of to-day. A translation of the notice is also inclosed.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure 1.]

Minister McCreery to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Santo Domingo, August 22, 1907.

Mr. MINISTER: Referring to my note of the 9th instant, informing your excellency of the appointment of W. E. Pulliam and James H. Edwards, respectively, as general receiver and assistant receiver of customs under the Dominican-American convention of February 8, 1907, such appointments taking effect on the 1st instant, I have the honor to inclose for the information of your excellency's Government a copy of the regulations promulgated by the President of the United States for the government of the customs receivership under the convention.

Referring to item 2 of the regulations, I beg to inform your excellency that the compensation for Mr. Pulliam has been fixed at the rate of $6,000 per annum and of Mr. Edwards at the rate of $4,500 per annum, and that in addition thereto the former will receive a per diem allowance of $9 and the latter a per diem allowance of $4 as commutation for their actual and necessary expenses.

I have, etc., FENTON R. MCCREERY.

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[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Minister McCreery.

DOMINICAN REPUBLIC,
Santo Domingo, August 27, 1907.

Mr. MINISTER: I have received your excellency's communication, dated the 22d instant, and the copy of the regulations made by the President of the United States for the government of the general receivership of customs of the Republic, established by virtue of the Dominican-American convention of February 8 of the present year.

I have noted that the salary fixed for Mr. Pulliam is $6,000 per annum and that for Mr. Edwards $4,500 per annum, and that in addition thereto the former will receive a per diem allowance of $9 and the latter a per diem allowance of $4 for their actual and necessary expenses.

I have brought the above-mentioned particulars to the knowledge of the minister of finance and commerce.

I improve this opportunity to renew, etc., E. TEJERA.

[Inclosure 3.—Translation.]

[From Gaceta Oficial, August 28, 1907.]

The department of finance and commerce makes known that the President of the United States of America, in exercise of the faculty conferred upon him by article 1 of the Dominican-American convention of February 8 of the present year, ratified by the National Congress on May 3, has appointed W. E. Pulliam general receiver and James H. Edwards assistant receiver of the customs of the Republic.

These appointments take effect from August 1.

FEDERICO VELAZQUEZ H.,
Minister of Finance and Commerce.

SANTO DOMINGO, *August 24, 1907.*

File No. 1199/268–269.

Minister McCreery to the Secretary of State.

No. 43.] AMERICAN LEGATION,
Santo Domingo, September 19, 1907.

SIR: I have the honor to confirm my telegram of the 12th instant, as follows:

Congress met 10th and organized period. Yesterday President's message was read, enabling act submittted and referred to committee on finance.

I also confirm my telegram of the 16th instant, as follows:

Congress to-day passed act authorizing executive power to issue and sell bonds as required by the convention.

I inclose copy and translation of an act passed by the Dominican Congress on the 16th instant, approved by the President on the 17th instant and published in the Official Gazette on the 18th instant, authorizing the executive power to issue and sell, through the secretary of finance and commerce, in such form and denominations as it may deem for the best interest of the Republic, bonds to the amount of $20,000,000 gold, secured by the Dominican-American convention of February 8, 1907, and by the import and export duties collected in the Republic, and in accordance with the provisions thereof, and payable in fifty years, bearing interest at the rate of 5 per cent per annum, payable semiannually, and redeemable after ten years at 102½ per

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cent and requiring payment of at least 1 per cent per annum for amortization, under such regulations as the secretary of finance and commerce may prescribe.

The act exempts the bonds and interest from all taxes and duties now or hereafter established by the Republic, and provides that the bonds shall conform to the provisions of the convention, shall contain such provisions as the secretary of finance and commerce may prescribe, and that each bond shall bear a certificate executed by said secretary or the fiscal agent, authenticating such bond as a bond issued under the provisions of the convention.

The act also provides that the bonds or the proceeds thereof shall be applied by the executive power to the objects mentioned in the convention; and provides for the appointment by the executive power of a depositary, an agent, and registrar of transfers, and a fiscal agent to act in connection with the issue and sale of the bonds, and the receipt and distribution of the proceeds thereof, and in connection with the adjustment and settlement of debts, claims, and concessions, and in connection with the service of the loan, in accordance with the provisions of the convention; and provides that the executive power shall fix the compensation for these services within certain mentioned limitations.

In my telegram of June 22, 1907, relative to the loan contracts as changed and amended by the Dominican Congress, I mentioned that the minister for foreign affairs had said on that date that, should the amended contracts not be accepted by the bankers, the Congress would be convened whenever necessary to pass upon any changes made by the bankers in the amended contracts.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure.—Translation.]

ACT OF DOMINICAN CONGRESS AUTHORIZING EXECUTIVE TO ISSUE AND SELL $20,000,000 BONDS.

[From Gaceta Oficial, September 18, 1907.]

Legislative Branch.

The national congress, in the name of the Republic, on the initiative of the executive, the matter being declared urgent;

By virtue of the powers conferred upon it by article 23 of the constitution; in order to comply with the provisions of the convention concluded between the Republic and the United States of America on February 8, 1907, and approved by this high body on May 3 of the same year; and in order to provide for the execution, issue, and sale of the bonds to which said convention refers; in view of the decree in which the loan for which the bonds are to be issued and sold is declared to be of public utility; resolves:

ARTICLE 1. To authorize the executive, through the secretary of finance and commerce, in the form and denominations and under the conditions which he deems most suitable to the interests of the Republic, with the security of the above-mentioned convention, and secured by the export and import duties collected in the Republic in accordance with the stipulations thereof, to emit and sell bonds of the Republic to an amount not to exceed 20,000,000 gold dollars of the United States of America at the present standard of weight and purity, bearing interest at 5 per cent per annum, payable semiannually in said gold coin, extinguishable by sinking fund in fifty years and redeemable after the lapse of ten years, at 102½ per cent of their face value, a payment of at least 1 per cent per year being required for their extinction, in accordance with the regulations to be issued by the said secretary of finance and commerce.

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(Additional) paragraph 1. Both the bonds and the interest which they bear shall be exempt from all taxes or duties, existing or to be established in future by the Republic.

(Additional) paragraph 2. The bonds which are issued must be in accordance with the stipulations of the convention dated February 8, 1907, approved by this high body on May 3 of the same year. They must embody the provisions adopted by the secretary of finance and commerce, and a certificate must be attached to each in the form and with the provisions prescribed by said secretary of finance and commerce, the certificate to be signed by him or the fiscal agent. The certificate shall state that the bonds are issued by virtue of the provisions of the aforementioned convention.

ART. 2. These bonds or the proceeds therefrom shall be applied by the executive to the purposes indicated in the convention.

ART. 3. The executive is also authorized to appoint a depositary, an agent, and a recorder of transfers, as well as a fiscal agent, who shall be engaged in connection with the issue and sale of the bonds, with the receipt and distribution of the proceeds of said sale, with the adjustment and settlement of debts, claims, and concessions, and with the payment of interest, etc., on the loan, in accordance with the provisions of the aforementioned convention.

(Additional) paragraph. One single company, bank, or association of private bankers may act as depositary, agent, and recorder of transfers, and fiscal agent, or these duties may be intrusted to different agents, according as the executive shall deem best, it being the duty of the said executive to determine the powers and duties belonging to each of them, and to pay or agree to pay such remuneration as he deems most proper for their services, though the pay of the depositary shall not exceed one-half per cent of the total sum paid to the holders of bonds of the Republic, of claims, and of concessions, who have accepted the adjustment proposed, or the adjustment which may be reserved for the payment of debts, claims, and concessions of those holders who may not have accepted the adjustment proposed, besides the expenses incurred by the depositary in acting as such; nor more than $250 per year to the agent and recorder of transfers, and also not more than $0.50 to the fiscal agent for each certificate of authenticity which he issues for each bond, nor more than $10,000 per year for the incidental expenses incurred by the said fiscal agent in the operations connected with the payment of interest, etc., on the loan ("service" of the loan).

The executive is also authorized to pay from the proceeds of said bonds the sum necessary to cover the expenses of preparation, issue, and sale thereof.

This resolution abrogates every other law, decree, or resolution which is contrary to it.

Let it be sent to the executive for the purposes of the constitution.

Given in the Palace of the National Congress, September 16, 1907 (sixty-fourth of independence and forty-fifth of restoration).

RAMON O. LOVATON,
President.

A. ACEVEDO,
C. A. NOUEL,
Secretaries.

FINAL REPORT OF THE TRANSACTIONS OF THE DOMINICAN CUSTOMS RECEIVERSHIP UNDER THE MODUS VIVENDI, COVERING THE TWENTY-EIGHT MONTHS, APRIL 1, 1905, TO JULY 31, 1907.

[Extract.—Exhibits not printed.]

OFFICE OF THE GENERAL RECEIVER OF DOMINICAN CUSTOMS,
Santo Domingo, Dominican Republic, September 23, 1907.

SIR: Pursuant to the terms of the modus vivendi entered into between the Government of the Dominican Republic and the United States March 31, 1905, that temporary measure expired by limitation at the close of business July 31, 1907, the American-Dominican treaty, 1907, at once became effective August 1, 1907, under the general regulations governing the Dominican customs receivership promulgated by executive order July 25, at the White House, Washington, by the President of the United States.

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The report submitted herewith, as indicated by the annexed tables, is supplemental to those already rendered by the former controller and general receiver, covering the two periods, of one year each, embraced within the inclusive dates, April 1, 1905, to March 31, 1907. As a matter of four complete months have expired since the rendition of the last general report and review of transactions, separate tabulated statements for the four months, April 1 to July 31, 1907, have been prepared, with comparative tables for the corresponding period of the year immediately preceding (1906).

In addition to the data mentioned above, and in order that a comprehensive and succinct statement may be available of the transactions for the entire history of the modus vivendi, there have been prepared complete recapitulated tables, segregating collections and showing in detail dispositions of all funds handled by the receivership. The narrative portion of this report is intended as a compendium and will deal only in general terms of results actually accomplished with the assistance of the United States in the fiscal affairs of the Dominican Republic, particularly as the fact is well appreciated that the administrative features of the work of the receivership during the past two years already have been thoroughly discussed. The last report on this subject only recently having left the printer, it is thought unnecessary, and perhaps presumptious, for the undersigned to make additional comment along these lines, especially as the matters reviewed were incident to the administration prior to the date that he assumed charge of same.

AMERICAN ASSISTANCE.

As it portrays the actual condition extant in the Dominican Republic during the early part of the year 1905, when a crisis was at hand which caused a helpless people to call for disinterested assistance from the outside, subsequently rendered by the United States, the liberty is taken of quoting herewith the last paragraph of the message dated February 15, 1905, of President Roosevelt, addressed to the American Senate—

> We now have a great opportunity to secure peace and stability in the island, without friction or bloodshed, by acting in accordance with the cordial invitation of the governmental authorities themselves. It will be unfortunate from every standpoint if we fail to grasp this opportunity; for such failure will probably mean increasing revolutionary violence in Santo Domingo, and very possibly embarrassing foreign complications in addition. This protocol affords a practical test of the efficiency of the United States Government in maintaining the Monroe doctrine.

And, likewise from an earlier portion of the same message, a prediction which has been verified:

> Under it [the protocol of an agreement] the custom-houses will be administered peacefully, honestly, and economically * * *.

For the time which elapsed and represents the life of the modus vivendi—twenty-eight months—the important, difficult, and trying work assigned was successfully performed by the agents selected by the United States Government. How well that stewardship has been discharged to the satisfaction of all concerned is evidenced by the fact that not one single complaint nor line of criticism has been received from the Dominican Government, nor from any consul or special representative, residents of the city of Santo Domingo, par-

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ticularly charged with safeguarding the interests of and reporting upon matters of moment to those of their countrymen, holders of Dominican bonds long since due, and for which settlement repeatedly had been urged.

DOMINICAN APPRECIATION.

That the best citizenship of the Dominican Republic recognizes the good accomplished is reflected in a statement by its leading citizen, the Hon. Emiliano Tejera, minister of foreign relations, who, by his unquestioned patriotism, commands the respect and enjoys the confidence of all classes and factions. In his annual report, dated February 23, 1906, occurs (translated from the Spanish):

> The beneficial result of this proper disposition, both politically and economically speaking, is shown by the failure of the last revolution * * *. The day will come when the convention of the 7th of February and the modus vivendi will be appreciated to their full value. Both agreements are the deliberate results of the purest and most conscientious patriotism.

Practical good and lasting benefit has accrued to the Dominican Government beyond the mere betterment of its economic condition at home and financial standing abroad, as a direct result of the success which has attended the altruistic mission of the United States in this field. Besides the accumulation and safe-keeping of a large fund for future payment on the national indebtedness, an era of comparative peace has prevailed, industry awakened, commerce encouraged and emboldened to seek possible openings in this territory, municipal improvements accomplished, and the building of highways into the interior undertaken. The foregoing indicates what is possible of accomplishment in this Republic when peaceful conditions prevail and orderly development engages the attention of its citizens. With the customs revenues safeguarded the incentive is removed for internal disturbances, having for their main purpose the control of collections, with attendant mismanagement and waste of same.

SANTO DOMINGO, THEN AND NOW.

Anent the foregoing, as illustrative of former conditions and present progress, is incorporated a nutshell recapitulation of the financial and political history of the Dominican Republic, amplified and brought down to date, taken from the first annual Review of the Organization and Transactions of the Customs Receivership.

The salient facts referred to are:

1865, July 12	Gained independence; national debt	Nil.
1865-1905	20 general revolutions; revenues collected, over	$40,000,000.00
	National debt contracted, face value approximately	35,000,000.00
	Total expenditures	75,000,000.00
1905, March 31	Cash in treasury	Nil.
	National debt	In default.
	National credit	Nil.
	Condition of country, roads, and public buildings worse than in 1865.	
1905, April 1	"Modus vivendi" established	
1906, January 2	Revolution attempted, but collapsed January 16, 14 days after inception, from lack of funds.	
1906, March 31	First year of "modus vivendi;" cash on hand	1,228,536.44
1907, March 31	Second year of "modus vivendi;" cash on hand	2,689,589.92
1907, July 31	2 years and 4 months from adoption of "modus vivendi;" debt not increased; many public improvements made and inaugurated; and cash on hand.	3,223,986.02

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The above table tells at a glance the past and present economic condition of the Dominican Republic, and reveals in a manner beyond the scope of ordinary language the real benefit derived by the Dominican Government, and all others interested pecuniarily in her stability, from the work accomplished by the American receivership.

COLLECTIONS AND DISPOSITIONS—PAYMENTS TO DOMINICAN GOVERNMENT.

The aggregate gross collections handled by the receivership for the period stated amounted to $6,845,344.40, and no breath of suspicion has arisen but that same have been fully, systematically, and honestly accounted for, and thus was established a precedent unique in the annals of the Dominican Republic. Although full detailed particulars will be found in the annexed tables available for ready reference, to which attention is invited, it is thought well here to state that of the gross amount mentioned immediately above $2,896,675.43, representing 45 per cent, after certain deductions mutually agreed upon, was handed over to the Dominican Government for meeting its current expenses. Increased customs receipts were realized from the very commencement of the receivership and continued generally during the twenty-eight months, which accounts for the amazing fact that by means of the new methods employed the Dominican Government was able to pay all of its current expenses, utilizing less than one-half, or, to be exact, 42 per cent of the gross customs revenues, whereas in former times it was not only unable to meet its expenses when it was supposed to receive all of the revenue collected at the several custom-houses of the Republic, but incurred new indebtedness at the rate of approximately $1,000,000 per annum for some thirty-odd years.

TRUST FUND.

To the trust fund, for which the National City Bank of New York was designated as depository, there were transmitted, by means of exchange, $3,148,764.32, on which interest amounting to $75,221.70 accrued to July 31, 1907, or a grand total of $3,223,986.02 available for use in meeting some of the Dominican indebtedness in the manner prescribed by the American-Dominican treaty. The amounts deposited monthly averaged $112,455.87 for the twenty-eight months, a sum considerably in excess of the future monthly payments provided for by the terms of the treaty, a convincing demonstration which augurs well that the Dominican Republic in the future, accepting the past as a safe criterion, will be able amply to meet the regular payments of interest on the new bond issue, besides providing funds for amortization.

INTEREST ON TRUST FUND.

Considered from another point, the trust fund on deposit in New York, July 31, 1907, was earning interest at the rate of approximately $6,600 per month, which will increase to $6,900 per month by the 1st of January, 1908, and on or before that date it is presumed the entire fund will have been applied in the manner provided by the treaty.

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DISBURSEMENTS.

The total disbursements amounted to $799,904.65, which, added to the larger amounts stated above, representing payments to the Dominican Government and segregations for the trust fund, respectively, equal the grand total of gross collections, $6,845,344.40; however, of the $799,904.65 relatively a small portion was devoted to the payment of customs expenses proper, as an examination of the items 1 to 6, Table No. 1, Exhibit F, will show.

CUSTOMS EXPENSES PROPER—COST OF COLLECTION.

For the maintenance of the customs service and receivership, including payments of salaries, purchase of supplies, incidental expenses, etc., for the eleven entry ports—four along the Atlantic Ocean, four to the south facing the Caribbean Sea, and three in the interior adjacent to the Haitian border—was expended the sum of $247,498.76, representing a cost to collect $1 of 3.6 cents, which is less than that spent for similar purposes in the principal collection districts of the United States, outside the port of New York, and also much below the cost for the same service in the Philippine Islands. In the capital, Santo Domingo, the separate organization of the receivership was maintained distinct from the individual ports. To obtain results it was necessary to operate eleven ports, long since established by Dominican law, although from Table No. 10, Exhibit F, it will be seen that approximately 90 per cent of the entire collections was gathered at four of the most important ports, namely, Puerto Plata, Santo Domingo City, Sanchez, and Macoris. Nevertheless, the necessity for surveillance at the other ports was apparent, otherwise the revenue at the four places mentioned would have materially decreased.

CUSTOMS AND FRONTIER GUARD.

To make in any way effective the work of the customs service at the equipped entry ports, the necessity for preventing smuggling by land across the Haitian border early became manifest. With this task, the difficulty of which was apparent, the Dominican Government was powerless to cope in any successful manner and freely acknowledged its inability. Thus, the anomaly existed of the customs laws being enforced at the seacoast entry ports, leaving, as it were, the back door wide open. As a remedy for this defect and to demonstrate to the Dominican authorities what could be accomplished by determined effort, coupled with honest endeavor, a customs and frontier guard service, a mounted and armed force, which also performs quasi-police duty in the rough and unfriendly country in the interior, was organized September 1, 1905, and has since been maintained with success. The total expense for this preventive service amounted to $103,923.94, including everything appertaining to the guard work, equipment, purchase of mounts, arms, house rent, payment of salaries, and miscellaneous expenses. The results accomplished by the guard, undergoing many hardships, were far-reaching and made possible the improvement in volume of lawful business and collections at the entry ports where naturally the bulk

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of importations is handled. To convey an idea of the hazard of the undertaking it need only be remarked that of the seventeen Americans assigned at different times to this outside branch of the receivership, two lost their lives in the performance of their duty—shot down in cold blood by outlaws engaged at the very moment in smuggling contraband—while another American inspector in an earlier attack was severely wounded and made a helpless cripple for life—three killed and wounded, or 18 per cent of the total number of Americans engaged during the twenty-eight months.

DOMINICAN REVENUE-CUTTER SERVICE.

Owing to the insular character of the Dominican Republic and its proximity to numerous other islands of different governments, which enjoy considerably less tariff rates, during the second year of the receivership it was thought advisable to provide suitable small power craft which could be utilized for customs purposes in the detection and prevention of smuggling by sea. The Government at the commencement of the modus vivendi did not own or operate as much as one rowboat in connection with its entire customs service.

In December, 1906, there were received from New York, where same had been built under contract, four steel cutters equipped with 50-horsepower gasoline engines. These boats are of very light draft and small beam. They have been used for certain patrolling duty and also serve a practical purpose for the Dominican Government in transporting officials, officers, and small bodies of troops and the mails to and from different points. The cutters, of course, fly the Dominican flag and represent an asset besides other benefits gained by the Government during the past two years. Although maintained and operated solely under the direction of the receivership, officered by Americans, they have been placed, whenever practicable, at the disposal of the Government for its exclusive use. To July 31, 1907, the total expense, including the original purchase price, was $114,662.39.

OTHER EXPENDITURES.

Within this classification and of the total, $29,455.67, as will be noted by reference to Table No. 5, Exhibit F, there was disbursed the sum of $19,155.67 for payment of exchange on transfer of funds to New York and locally; the remainder was for settlement of $5,300 authorized by the Dominican Government and paid to an American inspector wounded and permanently crippled while in the discharge of his duty, and the payment of $5,000 to the widow of another American inspector who was murdered while in the performance of duty—protecting and defending the revenue laws of the Dominican Republic.

REFUNDS, PERSONAL FEES, CONCESSIONS.

Among the items under the caption "Expenditures and disbursements" is that of $160,805.91, representing refunds, personal fees, and concession benefits paid pursuant to law and handled by the receivership as a matter of accommodation and to insure orderly and systematic dispatch of public business.

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Refunds cover payments to importers in the nature of return of a portion of amounts originally collected upon doubtful classifications when, as a result of protest to the customs court, it is decided that the contention of the importer was correct and the original classification applied to the imported merchandise was in error. Under a provision of the customs law in force, the proceeds resulting from the sale of merchandise seized as contraband, after the duties and expense of seizure and sale are accounted for, are payable to the person giving information leading to the detection of the attempted fraud, or to the employee who makes the seizure. Such payments are also considered and accounted for as refunds. Indicating the exactness of original classifications, which the receivership has endeavored to regulate, it is refreshing to note that but $15,935.41 were reimbursed for the period of more than two years.

Personal fees are collected and immediately disbursed at prescribed rates for the service rendered, respectively, by the medical officer, pilot, signalman, and interpreter for each incoming vessel from a foreign port. As stated above, this has been handled by the receivership in the interest of all concerned.

Peculiar to the Dominican customs service there exists numerous concessions given by the Government in the past, improvidently upon various pretexts, for raising funds for which there seems to have been no adequate return. Some of these concessions are in reality additional tax on imports, for the use of wharves, primitive transportation facilities, customs warehouses, etc., and the aggregate reimbursements for this item amounted to $103,967.13 for the time embraced within this report. Many of these concessions are noticeably burdensome, causing differences in exactions for similar service at the several ports and should speedily be abolished as one of the first steps to ameliorate conditions surrounding trade and commerce and placing this country on a basis far removed from the old order of things.

INTERNAL REVENUE.

So-called "internal-revenue" collections represent the segregation of 30 per cent of the export duties, under an act of the Dominican congress approved June 27, 1905. Since the law became operative, May 1, 1906, $143,557.98 have been segregated and disbursed by the receivership. The disbursements have been made in accordance with two appropriation acts of the congress, which approved the contracts entered into by the executive power for the construction of two branch roads, and provided for the payment of 50 per cent and 30 per cent, respectively, of the internal revenue to the contractors designated. Those contracts specifically require the payments to be made monthly by the general receiver of Dominican customs. The unappropriated balance, 20 per cent, of the amount segregated has been paid into the national treasury upon orders of the executive. The object of the law was to set aside this particular portion of the export duty to foster and promote the building of railroads. This legislation was enacted subsequent to the commencement of the modus vivendi and is taken as a gratifying evidence that the building of roads, either wagon or rail, has been recognized as of prime importance to the internal improvement and development of the country. Increased

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customs receipts under the modus vivendi and the assurance of stability of the revenue made it possible to set aside a portion of same for the commencement of such laudable work. As is obvious, anything done in this direction will result in lasting benefit to all agricultural enterprises, inasmuch as the lack of transportation facilities from the interior points to coast ports for shipment is a most serious handicap to same, and naturally lessens the marketable value of the crops of the island, besides reducing the volume of exports.

It has been the endeavor herein to discuss briefly and explain the individual groups, eight in number, of all expenditures and dispositions, but it is suggested that a more comprehensive idea of the subject may be gained by reference to the separate tables of Exhibit F, compiled in a manner to afford complete information upon cursory examination.

STATISTICAL DATA OF COMMERCE.

Prior to the advent of the American receivership the compilation and preservation of reliable statistics of the country's commerce had never been effectively undertaken. Realizing the importance of such records, absolutely essential to the proper and intelligent furtherance of customs administration as recognized by all countries, and for the benefit of commercial interests, the receivership caused to be prepared tables and summaries at intervals covering the period between April 1, 1905, and June 30, 1907. This has been the first comprehensive and reliable work of the kind available for the use and guidance of those concerned in the foreign trade of the country, and this concrete fact was recognized and appreciated by the Dominican government to the extent of influencing it to establish an independent bureau of statistics. That department, in the beginning, based its work upon information gathered through the receivership, which has lent to the central government all possible aid in inaugurating such a worthy system.

Summaries of Dominican commerce for quarters, half years, and annual periods during the entire life of the modus vivendi, inclusive to June 30, 1907, have been published in printed form. They afford detailed data for all interested commercially. Through the courtesy of the Bureau of American Republics, such summaries from the beginning of 1906 have been published in the bulletins of that important medium, and thus became readily accessible to those who would most likely seek such information concerning this, as well as other Latin-American countries.

The grand total of foreign trade of the Republic for the twenty-eight months was as shown in the table following:

DURING THE MODUS VIVENDI, APRIL 1, 1905, TO JULY 31, 1907.

Imports into the Republic.

Invoiced value	$9,099,929.55
Duties collected	$5,675,117.67
Bought from the United States	$5,725,028.00
Percentage bought from the United States	62.9
Amount carried in American bottoms	$5,624,625.91
Percentage carried in American bottoms	61.8

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Exports from the Republic.

Invoiced value	$15,996,766.14
Duties collected	$818,430.43
Sold to the United States	$8,692,599.00
Percentage sold to the United States	54.3
Amount carried in American bottoms	$5,043,099.49
Percentage carried in American bottoms	31.5

Aggregate foreign trade.

Invoiced value	$25,096,695.69
Duties collected	$6,493,548.10
Trade with the United States	$14,417,627.00
Percentage of trade with the United States	57.5
Amount carried in American bottoms	$10,667,725.40
Percentage carried in American bottoms	42.5

Of the total amount of revenue from all sources, payments of duties on imports reached $5,675,117.67 and on exports $818,430.43, or together $6,493,548.10. The percentages stated above show that to the United States went more than half of the exports, and that country supplied a still larger proportion of the imports. Vessels of American registry transported 42.5 per cent of the total foreign trade of the period, 61.8 per cent of the imports, and 31.5 per cent of the exports.

When some of the onerous concessions now in vogue, to the detriment of trade development, are removed, as contemplated by the terms of the treaty, increased and additional shipping facilities with the United States may be expected, that should have the effect of promoting Dominican commerce and, inferentially, expanding American trade.

SCOPE OF RECEIVERSHIP.

It is deemed proper to insert as a matter of record in this review that the receivership to which this final report relates was never in actual control of the Dominican customs service proper. The receivership has been a separate and distinct branch, the work of which was confined largely to the receipting for, safe-keeping, and honest disbursement of those funds collected by the Dominican officials designated as deputy receivers in charge at the several custom-houses. In a way, and for the general good of the service, the receivership attempted to act in an advisory capacity in order to accomplish certain reforms, establish uniformity in matters of classification, and stamp out, if possible, questionable practices, which naturally prevented an honest enforcement of the customs laws, but in some respects it was not entirely successful, owing to the lack of cooperation. Hence, it must be conceded that the achievement wrought is all the more remarkable and testifies in an unmistakable manner to the prestige gained; it should redound to the credit of the United States for the tangible accomplishment in this field, undertaken, as stated above, amidst trying circumstances.

RÉSUMÉ.

The undersigned is enabled to discuss this subject without hesitancy for the reason that he participated to no appreciable extent in the administration herein described, as he assumed charge of the re-

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ceivership by transfer of the office from his predecessor on June 6, 1907, which was less than two months before the modus vivendi terminated. To Col. George R. Colton, who inaugurated the system, saw it successfully carried through more than one crisis, and left only recently with the enviable satisfaction of one whose work was complete and well performed, is due the credit for the eminent results obtained by the American participation in the fiscal matters of the Dominican Republic. The receivership to continue by virtue of the provisions of the American-Dominican treaty will profit by the work done in the past, and the success which may hereafter be had will rest largely upon the businesslike foundation already laid. Commendation is not only due Colonel Colton, but to the small staff of American employees who accompanied him or came upon subsequent dates, commissioned by an alien Government to perform the diversified work in its several departments. These men made sacrifices and put up with many personal inconveniences, from the American viewpoint, laboring within and out of prescribed hours in a tropical climate, and accomplished results for the receivership which constitute a record made by American citizens serving a foreign country, under unique conditions, that merits, in my opinion, unstinted praise.

Respectfully,

W. E. PULLIAM,
General Receiver of Dominican Customs.

The CHIEF, BUREAU OF INSULAR AFFAIRS,
War Department,
Washington.

REVIEW OF THE TRANSACTIONS OF THE CUSTOMS RECEIVERSHIP OF SANTO DOMINGO DURING THE SECOND YEAR OF ITS OPERATION, APRIL 1, 1906–MARCH 31, 1907, WITH COLLATERAL EXHIBITS[a] AND REMARKS.

OFFICE OF THE CONTROLLER AND GENERAL RECEIVER,
Santo Domingo, Dominican Republic, March 31, 1907.

During the two years which elapse with this date since the modus vivendi became effective the Dominican Republic has been raised from financial chaos and political anarchy to a position of comparative ease and security, while its commerce has developed to a marked degree as business conditions have improved with the increasing assurance of peace.

Contrasting the present with past conditions, the minister of finance and commerce, Hon. Frederico Velasquez, in his annual report for 1906, extended extracts from which are annexed in Exhibit O, says, in part:

The items of revenue during the year 1905 and those of 1906 speak clearly, with renewed eloquence, of the fact that for some time past we have been living, in the public posts, a life of order and honesty, where but a few years ago life, with few exceptions within and without the national palace, was one of shamelessness, dilapidation, cupidity, and permanent disgrace for the Republic, being the principal cause, if not the only one, why our weak State has felt itself more

[a] Exhibits, excepting "N" and "O," not printed.

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than once trembling on the brink of the abyss, and that for a long time we have found ourselves without economic autonomy, overweighed by debts, unjustifiable for the greater part, suffering insults and humiliation.

And further:

Thanks to the modus vivendi, we have lived two years with relative ease and accumulated a respectable amount of money destined to the payment of said debts.

GENERAL EFFECTS OF MODUS VIVENDI.

The immediate financial benefits to the Republic of that wise measure, adopted pursuant to the decree of March 31, 1905, can not be more clearly or briefly shown than by an examination and comparison of the data contained in the annual reports of the minister of finance and commerce for the calendar years 1905 and 1906.

From the first of these it is learned that upon the 1st of January, 1905, the national treasury was entirely destitute of funds, and that by April 1, following, the Government had run behind in meeting its current expenses approximately $100,000, which amount it then owed, upon demand accounts, to local firms. The same report shows that at the end of that year (1905), but nine months after the establishment of the modus vivendi, the Government, after paying all expenses and making good the shortage that existed April 1, had on hand $838,994.39, having collected revenues since January 1 amounting to $2,427,802.20, the largest receipts of any year up to that time in the history of the Republic. The total revenues collected during the succeeding year surpassed those of 1905 by $1,398,876.97, or 57.6 per cent, aggregating $3,826,679.17, and the unexpended balance on hand at the end of that period, December 31, 1906, including $2,317,607.40 set aside to apply upon the public debt, amounted to $2,607,977.76.

Thus, while the Dominican Government was unable to meet its current expenses, and running behind, prior to April 1, 1905, within twenty-one months after that date it had saved from its revenues, in round figures, $2,700,000, and had, at the same time, received from the 45 per cent of its customs revenues and properly expended more money than it had ever before actually received from the entire products of those revenues in the same length of time.

To these results the customs department, operated under inspectorial supervision by the receivership, contributed $5,415,241.20, or 86 per cent of the entire revenues collected.

PROPOSED LOAN.

In the meantime, based upon the demonstration that the Republic was entirely solvent and capable of meeting its obligations in such amounts and proportions as were, upon conference with creditors, deemed equitable or legal for adjustment, and upon the assumption that the general plan of the modus vivendi would be formally adopted and strengthened by a treaty with the United States, of which that temporary disposition was a forerunner, the Dominican Executive was able to negotiate the sale of $20,000,000 5 per cent, gold, fifty-year sinking-fund bonds at the favorable rate of 0.96.

This transaction was of course conditioned primarily upon the ratification of the treaty alluded to, and, further, upon the agreement that the proceeds of the new loan should be devoted, first, to the ex-

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tinction of the old debt, which had been reduced by agreement with creditors, on account of cash settlements, from more than thirty-three to seventeen millions; second, to the cancellation of certain concessions held to be burdensome upon the country, and the remainder to public improvements. Exhibit O, annexed, contains the details of this proposed loan.

NEW TREATY NEGOTIATED.

The original treaty of February 7, 1905, which was intended to meet more complicated conditions, and was therefore unnecessarily extended, was withdrawn and a new one, much simpler in form but containing all of the provisions required as a basis for the proposed loan and handling of the customs revenues by American agents in amortization thereof, was negotiated and signed at Santo Domingo February 8, 1907.

This treaty, a copy of which is annexed as Exhibit L, was approved by the American Senate February 25, 1907, and is now awaiting action by the Dominican Congress, with every assurance of early ratification.

Upon its acceptance and the completion of the attendant financial arrangements, Santo Domingo will have been transformed in a little more than two years from a bankrupt State—without credit at home or abroad, consumed by revolutions within, and threatened by creditors without—into a solvent and peaceful country of some dignity and promise.

RECONSTRUCTION.

The patriotic work of bringing the Republic up to this point has been no easy task for those Dominicans possessed of the requisite intelligence, patience, and courage to successfully oppose the almost overwhelming odds that have beset them.

Substantial business people and property owners throughout the country have as a rule favored the plans for reformation, but they were too deeply discouraged by past events to entertain great hope of their realization, and have therefore been inclined to indifference.

Political revolutionists, who saw their opportunities curtailed by the removal of the customs revenues from the possibility of exploitation, have been the bitterest enemies of the treaty, and have endeavored by misrepresentation to incite the ignorant classes to forcible resistance.

To this influence was added the opposition of practically all politicians out of office, who believed that any disposition tending to increase the strength of the Government would make its tenure, and their involuntary retirement, permanent. And many of those who were avowed supporters of reformation believed that, being so, they should be rewarded by exemption from any features which might interfere with their personal interests. Of these, Minister Velasquez, in his annual report for 1906, says:

> So contrary to order are the customs, so inveterate in general has become the habit of disorder, that many of the men who theoretically express enthusiasm for the establishment of regular and systematic order, understanding that only in that way is the salvation of the country possible, when it comes to actual practice, when they find that such a state of affairs would be imposed upon them, subjecting their life to certain limitations not in accord with customs

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already rooted, in opposition to certain interests created, rebel against the saving reform, accusing the person in charge of its execution for his perseverance and faith in executing the same.

These conditions are noted as indicative of the apparently insurmountable obstacles which have confronted those patriotic Dominicans who seem now, with the assistance of the modus vivendi, about to place their country permanently upon a safe footing.

The most powerful Dominican influence to that end has been that of the Hon. Emiliano Tejera, present minister of foreign relations, who has served his country honorably during the past forty years whenever, but only when, there seemed an opportunity of rescuing it from the anarchy into which it had fallen. His efforts have ever been to relieve the people of the burdens with which they have been tortured by the inhumanity and dishonesty of political brigandage.

In this crisis he has therefore been able to speak of the past and advise for the future with authority. His words have been unmistakable and have put to shame before the public those leaders who have disgraced their country and would continue its exploitation.

The following translated sentences from this minister's annual report for 1906 are quoted here as indicating the vicious political practices that have obtained in the Republic and the earnestness with which he has appealed for better faith in the treatment of national affairs:

I am pleased that patriotism is ever on the watch; that is its duty in weak countries; and when the hour of sacrifice arrives let it be proclaimed to the four winds, and the ancient and modern heroism, not unknown in Dominican territory, be repeated. But I do not believe it well to permit ourselves to be alarmed by phantoms and sound the cry of alarm when there are no enemies upon the horizon, nor be frightened when we hear the voices of the old spoilers, now disguised as patriots, speaking for the sole purpose of finding some one to purchase their silence or throw them a morsel to gnaw. The national independence is not in danger because we would make a loan to meet our obligations. * * *

But independence is jeopardized by provoking discord and exciting hostility between brothers; by hindering the termination of the former exploitation by foreign merchants, who, on account of customs duties and in order to excite and sustain civil war, loaned ten dollars for the purpose of collecting a thousand midst the weeping and wailing of widows and orphans; by obstructing and impeding the establishment of a system that would permit us to instruct and improve ourselves that we might produce the necessaries of life—in a word, to civilize ourselves, and not hereafter be a danger and a shame to the countries that surround us, and who have the right to intervene to prevent us from living in barbarism.

Oh, what lack of common sense the Dominican people would show if they were to believe that their independence would be lessened if they impeded and took away from bad governments—good ones will not take advantage of it—the power to encumber them with heavy debts in order to enrich the officials and their protégés!

What a lack of common sense they would show if they really believed that their former discredited leaders—whose declarations of honesty cause their old associates to laugh—are to-day the champions of the country's dignity and of its economic independence, who yesterday helped to compromise it, and would compromise it again if they had the power and would be benefited thereby!

What lack of common sense the people would show if they should regard as traitors those patriots who have at all times borne self-denial, even self-sacrifice; whose hands and consciences are clean, and who to-day, instead of taking the rest to which they are entitled, struggle patriotically and tenaciously to lighten the burdens of the same people and prevent their future imposition!

Extended extracts from this report, which has exerted a strong influence upon the situation in the republic at this pivotal point in its history, are annexed as Exhibit N.

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CUSTOMS CONDITIONS AND WORK.

As may be inferred from the foregoing remarks and quotations, the conditions and agitation that have existed during the past year have not been altogether favorable to reforming and systematizing a service which has, during the life of the republic and until the establishment of the modus vivendi, been the center of corruption and basis for commotion.

Revolutionists have generally regarded the segregation of customs funds for application to the needs of the republic as a personal loss to themselves, and the success of the modus vivendi a forerunner of permanent denial. Therefore prejudice and political influence have generally opposed the reformation sought.

In view of the obstacles thus presented, it is with some degree of satisfaction that the results attained, showing marked improvement and progress in all directions, are recorded.

The principal efforts of the receivership during the year ending March 31, 1907, were directed toward the suppression of smuggling and obtaining uniform assessments of duties at the various ports of entry.

In a review of this service for the previous year, which extended back to the date of its organization, mention was made of the lack of customs control upon the land frontier and the establishment of a guard in that territory for the purpose of intercepting the illicit trade then carried on with Haiti.

FRONTIER PROBLEM.

But the extent of that trade and its demoralizing effect upon the commerce of the republic was not understood until a serious attempt was made to suppress it. Little was known, even by Dominicans, of the savage region along the Haitian border, which forms the western boundary of the republic. It was ruled by local chiefs, some of whom denied allegiance to any superior power, while others claimed to derive their authority from the central government, but refused to obey its commands or enforce the law. Practically all of these and their followers were either directly or indirectly interested in smuggling. As the minister of finance and commerce states in his last annual report, "the regular commercial transactions of the frontier population were smuggling." For the sake of proper distinction, however, it should be noted in this connection that those who procured and benefited most from smuggling were foreigners, composed principally of Turkish, Assyrian, and Italian merchants, while the Dominicans engaged were, as a rule, merely the tools of the trade performing the labor required.

These conditions were permitted to continue by the weak central governments which followed one another in rapid succession as the price of peace.

Santo Domingo was endeavoring to collect a high rate of import duty upon three sides of its territory, while the fourth (Haitian frontier) was entirely open to free trade.

The import duties imposed in Haiti were approximately 25 per cent ad valorem, as against 73.8 per cent or more collectible in Santo Domingo.

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Thus prior to the organization of the receivership foreign merchandise imported through the seaports of this Republic was paying nominally 73.8 per cent duty and competing in the interior against merchandise imported through Haiti that had contributed nothing to the revenues of Santo Domingo and but 25 per cent to those of Haiti.

Upon investigation it was found that this condition had become such a recognized factor in trade that Dominican importers calculated upon it as a regular competition to be met, which, being based upon fraud, exerted a demoralizing influence upon legitimate commerce throughout the Republic, and no doubt induced many of the deceptions formerly practiced upon, and irregular methods pursued in, the established customs organization.

The merchants and importers at the seaports of this country had just ground for demanding that the revenue laws should be uniformly enforced, and that if the customs tariff were to be strictly applied to the merchandise handled by them through regular channels the smuggling competition of the frontier should be removed.

SUPPRESSION OF FRONTIER SMUGGLING.

To meet this requirement, however, under the conditions related, has been and still is a dangerous and difficult task, involving, as it does, interference with the established but unlawful business which has furnished employment to the great majority of the ignorant and savage people residing along the Haitian border. It required independent action and dealing directly with local chiefs in a region over which neither the central governments of Haiti nor Santo Domingo exercised control.

The subjection of the frontier to customs regulation was, however, essential to the proper customs administration of the Republic, and the work of accomplishing that purpose has been so far successful that there is to-day practically no merchandise illegally introduced for sale or trade over the border from Haiti.

RESULTS OF FRONTIER WORK.

This result has been of the greatest importance, not only directly to the revenues, but in relieving the entire trade of the country from the speculative character that smuggling competition formerly imparted to it. In short, the principal cause for the fraud which has permeated the country's commerce has been thus removed. And not the least of the benefits accruing to the Republic from this work has been the introduction of civilization, the example of order, and the exhibition of courage and honesty of purpose among a portion of its population heretofore abandoned as incorrigible, but nevertheless susceptible to influence through contact with sterling decency.

The foreign merchants who have conducted their unlawful operations in that country are beginning to leave, and, if the work of the frontier customs organization is not interrupted, must all eventually do so, as they can not pay the legal duties in addition to the cost of land transportation across Haiti and compete with merchandise imported directly by sea through the nearest entry ports to the Dominican markets they formerly controlled.

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Comparison of the 1905 and 1906 records of regular importations of cotton goods, which formed one of the chief classes of merchandise formerly imported from France and smuggled in through Haiti, furnishes a striking example of the revolution in trade brought about by the closing of the frontier.

The total value of these goods imported through regular channels during 1905 was but $552,774, while the lawful importations of 1906 were valued at $1,136,358, an advance of more than 100 per cent. And greater significance is given to these figures by the fact that the increased importations of 1906 represent more than doubled purchases of this class of merchandise from the United States and Great Britain, the excess over last year no doubt taking the place to a considerable extent of the French goods formerly smuggled in by way of Haiti.

The details of this reference are shown under the heading of "Cotton, manufactures of," in Table No. 1 of Exhibit J, annexed.

FRONTIER CUSTOMS.

The general features of the frontier customs organization have not been greatly changed since its establishment in September, 1905, and as outlined in that year's review, but it has increased in effectiveness as it has gradually gathered power and gained control of the situation.

The organization is at present composed of the customs and frontier guard, consisting of 118 armed and mounted Dominicans distributed along the 150 miles of Haitian border, 3 inspectors (Americans) acting as deputy receivers at the interior ports and commanding the guard in their respective districts, 1 inspector at large (American), and 1 deputy receiver (American) in immediate control and command of the entire body.

An addition to the service recently made has been the establishment of the first overland mail communication between the seaports of Monte Christi on the north and Barahona on the south, thus connecting all of the towns and barrios of the interior with the outside world, which is appreciated by the inhabitants and should be productive of much good.

That special service is performed by the patrols of the guard who are constantly passing up and down the line within certain limits, and each of whom gathers the mail from the guard stations used as temporary post-offices in his territory and forwards through his connecting patrols.

A stone custom-house and stronghold, 48 feet square, with walls 20 feet high, has been erected at El Fondo, upon the southern end of the line, which will cost when completed about $3,000. This building will provide suitable customs offices for the district of Tierra Nueva, and is so constructed that it may be used as a refuge and defense in case of emergency. The construction of another building of a similar character and for the same purposes at Comendador, situated about the center of the line north and south, has been authorized at a cost of $2,750, and the work will be pushed to completion as soon as possible.

The total expense of the customs and frontier guard during the past year amounted to $55,167.54, and while this sum is larger by reason of the purchase of permanent equipment and unforeseen

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emergencies than should be required for the annual maintenance of that service, it is insignificant in comparison with the benefits derived therefrom.

As the amount of this expense has been deducted from the gross revenues before division, it has been paid in about equal proportion from the 45 per cent accruing to the Dominican Government with which to meet its current expenses and the funds available for the payment of customs expense.

Table No. 11 of Exhibit A and Exhibits D, E, and G, annexed, contain the particulars of this organization, its personnel and attendant expense, while its present condition is shown by a statement of the officer in charge included in Exhibit M.

The progress made in securing recognition of the law in that wilderness of mountains and arid plains stretching across the island from north to south along the western boundary of the Republic, which had rarely been traversed by foreigners, and which no outside Dominican enters voluntarily, is due to the efforts of the American citizens who volunteered for that service, and who have been immediately in charge of the work. They are manly men, typical of those who have broken the wilds of our own frontiers, who talk little, but do things; who would be embarrassed by compliment, but who rejoice in their own manhood. To them Santo Domingo owes a debt it can not pay, because the results of their work and the sacrifices they have made to accomplish them can not be measured in dollars; they are an offering to civilization.

During the past year two of these men lost their lives at the hands of outlaws, in the center of a frontier town of 1,500 inhabitants, who were so ignorant or so far intimidated that they made no effort to prevent the crime or capture the criminals.

One of these was Deputy Receiver Charles P. Thurston, late of the Philippine service, and the other Inspector John Milbourn, who came here from Porto Rico, where he had been discharged, after "excellent" service, from the United States Army.

Mr. Thurston was a single man, with no known dependants, but Inspector Milbourn left a wife, Porto Rican, and three children. To Mrs. Milbourn the Dominican Government voluntarily paid $5,563 "on account of the death of her husband while engaged in the performance of his duty as a customs officer of the Republic," and in final settlement of all claims for compensating damages, which was accepted by her and receipted for accordingly. Mrs. Milbourn thereafter returned with her children to the home of her parents at San German, Porto Rico.

The attack which resulted in the death of these two brave and efficient officers took place at Las Matas, in the district of Azua, August 6, 1906, and was led by two of the most notorious smugglers of the frontier. Immediately after the commission of the crime the guilty parties separated and secreted themselves in the mountains of Santo Domingo and Haiti.

The two leaders were, however, captured in Haiti, extradited therefrom, and are now in prison awaiting trial at this capital. The capture of the others, known to have been implicated, has as yet been impossible, owing to the nature of the country in which they are supposed to be hiding, but the assurance of the Dominican Government is pledged that pursuit will not be abandoned until all have been brought to justice.

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REVENUE-CUTTER SERVICE.

As stated in last year's review, the customs service was found without water transportation of any kind, and the long coast line of the Republic, with its many bays and inlets, offering excellent opportunities for smuggling, was entirely unprotected.

A more uniform application of the tariff law at entry ports and the closing of the frontier served to stimulate and make still more profitable the illicit trade carried on between the coasts of the Republic and adjacent islands, where duties are merely nominal. Merchandise formerly smuggled overland from Haiti was now brought around the coasts in small sailing vessels, and the smuggling from the free-trade British Turk group of islands, which has long been a regular feature of trade upon the north coast, was noticeably increased, with no means to intercept it or prevent the introduction of arms and ammunition.

To meet these conditions a temporary revenue-cutter service was established June 1, 1906. Four small sailing vessels were chartered and assigned to those districts most suspected of harboring smugglers.

The effect of this service was almost immediately noticeable through increased demands for merchandise at entry ports from places formerly supplied directly from abroad, but as the sailing vessels employed were not sufficiently dependable to accomplish their full purpose as revenue cutters their use only served to prove that smuggling by sea was appreciably affecting the revenues and that a permanent and efficient service was required to protect the coasts against illicit trade.

Therefore, after careful investigation of the subject, previously made, a contract was entered into June 5 with Mr. Lewis Nixon, of New York, by the terms of which he was to construct and furnish four suitable revenue cutters for that service.

The last of these cutters reached Santo Domingo December 23, all having demonstrated their seaworthiness by completing a stormy voyage in midwinter of more than 2,000 miles from New York without accident or damage. They are substantially built of steel, 75 feet long, 10 feet beam, 3 feet draft, propelled by 50-horsepower Standard gasoline engines, average speed 12 and maximum 14 knots per hour. Each is armed with one Hotchkiss 1-pounder rapid-fire gun forward and one Colt's automatic .30-caliber gun aft. Their cost, delivered in New York, including armament and four gasoline-engine tenders, which were not included in the original contract, was $14,260 each, or $57,040 for the four. The cost of equipment and delivery at Santo Domingo, including insurance and all other items of that expense, as well as return transportation for the crews, amounted to $16,449.22, making the total cost of the four boats ready for service in Dominican waters $73,489.22, which it believed to be a very reasonable expenditure for the class of vessels received.

For revenue cutters of this size, at least, the gasoline engines adopted appear to have many advantages, especially in the Tropics, where the absence of artificial heat in the engine room is most desirable. The very small space occupied by these engines without boilers permits of more commodious quarters for the crew than would be possible in steam vessels of the same size. The most important advantage they possess for this service, however, is the fact that while the vessels are always ready to start at a moment's notice no fuel is con-

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sumed except when actually running, which makes their operation much more satisfactory and economical than any other power that might be used in the regular cruising work required.

As gasoline costs about 20 cents per gallon delivered, and the consumption of these engines is but 0.84 of a gallon per mile at full speed, the fuel expense is less than 17 cents per mile. Also, with the use of this power a considerable saving is made in crews, as no firemen are required and work of keeping the vessels in proper condition is much lighter than it would be with the use of steam. Each vessel is easily operated by one captain and one engineer (Americans) and three Dominican sailors.

At the time these vessels were contracted for the Navy Department of the United States, upon request of the Dominican Government for such assistance, designated Naval Constructor William J. Baxter, of the New York Navy-Yard, to inspect them during construction, in order to insure compliance with the specifications. Owing, however, to the distance from the Republic at which the vessels were built, it was found necessary to call upon that officer for much greater service than was originally requested, and in fact to depend upon his aid and advice throughout during their building and delivery. The additional work and responsibilities involved were assumed by Captain Baxter without hesitation, and it is therefore largely due to his experience and courtesy that the vessels were received in satisfactory condition and without unnecessary delay. For these services the Dominican Government expressed its thanks through proper channels.

The grateful acknowledgment of the Dominican Government and this service is also due to Mr. Paul S. Carter, purchasing agent for the Philippine government, under the Bureau of Insular Affairs, War Department, in New York, who, without compensation, devoted much time and labor to equipping and outfitting these vessels and getting them started from New York with suitable crews. This special work is, however, only a part of the assistance rendered by Mr. Carter, who has continually extended the courtesies of his office to this receivership since its establishment.

The permanent revenue-cutter service of the Republic was established with these new vessels in commission January 11, 1907, the sailing vessels formerly employed having been released at the end of 1906.

Regulations for said service were prescribed and published in "Revenue-Cutter Service Orders," Nos. 4 to 12, inclusive.

For administrative purposes the coasts of the Republic were divided into four coast-inspection districts, as follows:

(1) Monte Christi, extending from the Haitian line on the northeast to Puerto Plata.

(2) Sanchez, from Puerto Plata east and south to Cabo Engaño, the eastern point of the island.

(3) Santo Domingo, from Cabo Engaño south and west to Punta Palenque, upon the south coast.

(4) Barahona, from Punta Palenque south and west to the Haitian line at Perdenales.

One coast district inspector and a cutter was assigned to each of these districts, with headquarters and supply stations at the ports indicated by the names of the respective districts, where they are in telegraphic communication with the capital. Their duties are to

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patrol the coasts for the purpose of assisting in the enforcement of the revenue, navigation, and coastwise trade laws of the Republic, and they should prove efficient agents in suppressing ordinary smuggling, as well as in preventing the introduction of arms and ammunition, and thus in maintaining the peace of the country.

Table No. 12 of Exhibit A and Exhibit H contain the details of the organization, expenditures on account, and estimated expenses of this branch of the service.

SUPPLIES AND PROPERTY.

Owing to the impossibility of obtaining in Santo Domingo many of the articles and supplies required by the different branches of this service, and with a view to meeting those needs with the greatest economy and the least delay, and at the same time securing proper charge of the expense to the particular office or department for which it might be incurred, a supply department has been established in connection with the central office of the receivership, in which is kept a stock of such official supplies as are regularly required for the service. The articles acquired for this supply department are bought through the purchasing agent for the Philippine Islands, Bureau of Insular Affairs, New York, who has rendered that service without expense to this office for his assistance. Being for the use of the Government, they are entered free of duty, and the cost price charged to a regularly designated supply officer, who issues them to the several departments and offices as needed and applied for, at the same price paid, receiving credit accordingly.

This disposition has resulted in a double economy, because by purchasing the supplies in quantities for the entire service the advantage of wholesale prices is gained, while the different officers making use of them realize that the cost of each article requisitioned is a direct charge against the expense of their respective offices, which has prevented the waste usually attendant upon the promiscuous issuance of supplies paid for as a whole by a central office without reference to their distribution.

Since the organization of the receivership unexpendable property to the value of $65,129.40 has been purchased, and taken up upon the property records of the central office, which show the disposition thereof, and are supported by the receipts of the accountable officers. In view of the fact that a considerable portion of this property has been in use upon the frontier, where conditions have not been favorable to its protection, it is worthy of note that less than $200 represents the value of all articles lost or destroyed to date.

Practically all of the property and supplies purchased during the past year have, by special courtesy, been paid for through the Bureau of Insular Affairs, War Department, by Mr. A. T. Ruan, its disbursing officer, with funds furnished by this office, for which valuable and gratuitous assistance the Dominican Government and this receivership are greatly indebted.

ADMINISTRATION.

The principal obstructions to the uniform application of the tariff and prompt collection of the duties are the provisions of the customs administrative law with respect to appeals and payment of duty.

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Under the present system payments of duties exceeding $500 upon single importations are not required until from ten to thirty days, according to amount, after the liquidations have been made, although the merchandise is delivered under bond as soon as inspection has been completed.

If the importer objects to the classification or assessment made by the examining officer he is entitled to an appeal directly to the customs court, and to withhold payment until his case is decided. This procedure furnishes two reasons for the extraordinary delay encountered in collecting the revenue: First, the court is usually six months to a year behind in its work; and, second, as importers obtain immediate possession of their merchandise and pay the Government no interest on the amounts of their duties while cases are pending before the court, they are apt to take advantage of their right to appeal, manufacturing grounds, if necessary, in order to do so. Thus, payments of duties are often delayed long periods through force of circumstances, and many times merely for the purpose of saving the interest upon the amounts involved, which is in either event extremely confusing to the accounting department, and has in the past been the means of much fraud.

The customs court, whose decisions are final in all customs cases brought before it, is composed of the contador general de hacienda (auditor of the treasury) and four merchants. The auditor receives no additional compensation for acting as chairman, and the merchants no pay whatever for their services, hence, although the law requires them to meet once each month, and oftener if necessary, to perform their duties, the court has seldom convened during the past two years without pressure upon its members. But while it is difficult to obtain action by the court, that body is inclined to be tenacious of its prerogatives, and, having the supreme power in customs cases, to overrule decisions made by other authority.

Under these conditions it has been difficult to make great headway in securing uniformity of action or classification of merchandise at the various entry ports, especially as local customs officers are required by law to forward appeals directly to the court, whose decisions are seldom clear and frequently conflicting.

However, the plan adopted at the outset of requiring deputy receivers to forward samples of textiles, papers, etc., to the central office of the receivership for verification has resulted in much improvement, and greater uniformity in classification has been attained than was, under the circumstances, anticipated.

Thirty-six tariff decisions and rulings were made and published by this office during the year, and although many of them were contrary to the usage theretofore followed, but one has been overruled by the court. Other regulations and administrative orders have been issued and published in the form of circulars to the number of 76.

The Dominican interventors, acting as deputy receivers at the various ports of entry, have generally cooperated to the best of their ability for the improvement of the service, and, notwithstanding the difficulties presented by the tariff and administrative law, have made considerable progress in systematizing the work of their offices.

Exhibit M, annexed, contains extracts from the annual reports of these officers, received prior to the closing of this review, and show to some extent the local conditions at the various ports from which they were submitted, as well as the needs of the service.

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All customs officers of the Republic agree that both the tariff and administrative law must be revised before the work of the department can be properly systematized.

CUSTOMS RECEIPTS.

The customs receipts of the Republic during the second year of inspectorial supervision by the receivership ending March 31, 1907, were $3,181,763.48, against $2,502,154.31 for the previous year and $1,852,209.54 collected during 1904, showing increases of 27 and 72 per cent, respectively, over those comparative periods and being more than double the average annual collections theretofore.

Of the total increase in collections over the year ending March 31, 1906, amounting to $679,609.17, 95 per cent, or $657,584.14, represented increased receipts from import duties, which aggregated $2,683,139.44, against $2,025,555.30 collected during the previous year, when they reached two millions for the first time.

The import duties collected represent 66.5 per cent of the total value of imports, a gain of 2.5 per cent over the percentage collected during the preceding year, which indicates to a considerable extent the progress made in securing the uniform application of the tariff.

Export duties were increased $27,435.79; miscellaneous collections and personal fees yielded slightly larger returns, while port dues showed a falling off of $7,712.99.

As indicated by Table No. 4, Exhibit A, each of the 11 entry ports of the Republic contributed its share to the general increase, ranging from 19 per cent to 1,523 per cent and averaging, according to the total receipts, 27 per cent over the previous year. The same table also shows that the largest increases in receipts occurred at those ports through which merchandise is usually imported for distribution in the interior, namely, Azua, Monte Christi, Puerto Plata, and Sanchez. This is true because, the Haitian frontier being no longer open to smuggling, the interior is now receiving its importations through the Dominican seaports which should naturally supply it.

Tables Nos. 3, 4, and 13 of Exhibit A, annexed, contain the details of all customs receipts by months, ports, and soucres, and Exhibit C, for comparison, the customs receipts by years since 1867.

DISPOSITIONS AND EXPENDITURES.

Although the year's transactions have resulted in diverting $238,205.17 more from the two principal objectives than was diverted from those ends during the year ending March 31, 1906, the larger receipts have increased the sums available for both the current expenses of the Government and segregation on account of the public debt.

Thus, the amount paid the Dominican Government, representing 45 per cent of the gross divisible revenue, was $1,329,107.83, as against $1,087,314.86 for the preceding year, an increase of $241,792.97, which advanced the average monthly payments from $90,609.57 last year to $110,758.98 during the year just ended. (See Table No. 5, Exhibit A.) And the sum segregated for application to the public debt was increased from $1,218,618.80 during the former to $1,418,229.83 for the present year, increasing the average monthly deposits with the National City Bank of New York from

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$101,551.56 to $118,185.82. The total sum set aside for this purpose during the last two years amounts to $2,636,848.63, which, together with the accrued interest, amounting to $52,741.29, makes the aggregate trust fund at the close of business March 31, 1907, $2,689,589.92. (See Table No. 6, Exhibit A.)

The largest addition to the diversions from these two principal purposes was the sum segregated under the act of Congress approved June 27, 1905, amounting to $99,573.24. This act, which was not put in operation by executive order until May 1, 1906, provides that 30 per cent of the actual export duties collected shall be denominated "internal revenue" and set aside for use by the Government in building or procuring the building of railroads, and the monthly sums set aside thereunder since May 1 have averaged $9,052.11. The full amounts so segregated have been paid by this office either in accordance with subsequent acts of Congress directly to contractors, or, upon orders of the executive, into the national treasury. (See Table No. 7, Exhibit A.)

The next most important additional diversion occurred through the establishment and maintenance of a revenue-cutter service, involving the purchase of four suitable vessels therefor, amounting to $90,014.21. (See Table No. 12, Exhibit A.)

And the expense of maintaining the frontier guard appears to be $34,306.14 more than for the previous year, but the expenditures incurred on that account, as shown by the records of this year, represent the expenses of twelve full months, while those shown by last year's records covered but the first seven months after that organization had been established. (See Tables Nos. 1 and 11, Exhibit A.)

The disbursements made under the heading of "refunds, personal fees, and concession benefits," item 1, Table No. 1, Exhibit A, and as itemized in Table No. 8 of the same exhibit, were also larger than last year, and represent (1) overpaid duties refunded in accordance with decisions of the customs court, (2) personal fees collected by customs authorities on account of port officials and delivered to them as provided by law, and (3) percentages of duties and charges collected by customs authorities at entry ports which, under special concessions having the force of law, accrue to the concessionnaires furnishing wharf, warehouse, and lighterage facilities, and to whom they were paid.

The total cost of collecting the revenues, including all expenses of the receivership, amounted to $105,102.06, as against $100,135.45 for last year, showing an increase of $4,986.61, which entirely represents increased expense at entry ports attendant upon handling the greater volume of business transacted.

The proportion of increase of expense, however, did not keep pace with the advanced receipts.

In ascertaining the cost of collection this year, all items of expense incident to the maintenance of the customs service and receivership, including the expense of employees traveling under orders within the Republic and to and from the United States, were taken as the basis, from which it is found that the cost of collecting each dollar received was $0.033, or about seven-tenths of 1 per cent less than the cost of collection last year, computed upon the same basis. In this connection reference is made to the consolidated statements of receipts and

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expenditures for the two years contained in Exhibit B, annexed, showing the method of computation and, separately, the percentage of the revenues expended on account of the usual customs organization and the receivership as distinct therefrom. These statements also show that while the sum expended on account of the customs organization was increased, the expenses of the receivership were slightly less than during the preceding year.

In view of the number of ports maintained and the fact that several of them barely collect enough revenue to cover their expenses, the small average percentage of expense is particularly noticeable, being less than the average cost of collecting the customs revenues in the United States or any of its island possessions.

Exhibit A contains an analysis of the customs receipts and expenditures of the present as compared with those of the former year, and shows the methods pursued in dividing and disbursing the revenues received.

SUMMARY OF COMMERCE.

The commercial statistics of the Republic are compiled with reference to calendar years, because such periods represent, more closely than would any others that might be taken as a basis of review, completed years of agricultural operations, which are the foundation of the country's commerce.

That the calendar year 1906 was one of advancing prosperity to the Dominican Republic, as a whole, is attested by the fact that its industrial and commercial activities during that period have surpassed those of any previous year in the history of the country. Both its production and consumption were increased to a marked degree.

The general application of the revenue laws furnished the Government with the necessary funds to make many needed improvements, especially in the building of roads. Substantial private enterprises, particularly in agriculture, were generally successful and enlarged in scope. Notable progress was made in every branch of commerce toward orderly and natural business conditions. More people were employed or engaged in profitable labor than ever before, and the resulting increased demand for supplies stimulated both internal trade and foreign importations.

The total value of the foreign trade of the Republic during the calendar year 1906, not including imports and exports of gold, silver, and paper currency, was $10,601,815, an increase of approximately $1,000,000 over 1905, which exhibited a greater volume of business than any other year up to that time.

The value of merchandise purchased abroad and imported was $4,065,437, against local products exported to the value of $6,536,378, leaving a balance of trade in favor of the Republic of $2,470,941.

The credits resulting from this accumulating balance enabled the Government to deposit abroad during the year, without the exportation of currency, $1,476,116, to apply on the public debt. In addition to this the volume of American currency circulating in the country was increased by the net importation of $208,406, leaving still an apparent foreign credit in favor of the Republic, as a result of the year's transactions, of $786,424.

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All of the principal local products were increased, both in quantities and values, over those of preceding years, except sugar, which, although the output exceeded that of 1905 by 7,781 tons, suffered a considerable decline in value.

Thus, while the exportations of 1905, aggregating 47,309 tons, yielded an average net price of $3.10 per hundredweight, or a total of $3,292,470, the 55,090 tons shipped during 1906 netted but $1.93 per hundredweight, or $2,392,406 for the entire exportation, showing a decrease in value for the larger quantity exported during the latter year of $900,064. This served to offset the gains in values of the other products shipped, and reduced the total value of exports to $6,543,872, as against $6,896,098 exported during 1905, a net decrease of $352,226. And as almost the entire sugar exportation was, as usual, to the United States, the principal decrease in export values, amounting to $734,987, is shown in the products shipped to that country, while it continued to receive by far the greatest quantity of products exported, and more than half the entire values produced.

The production of cacao showed a continued steady increase and a gain for the year of approximately 3,000,000 pounds, the total exportations reaching 14,295 tons. The general prices obtained for this product have also been good, netting an average of slightly more than $7 per hundredweight and advancing until at the close of the year it was in good demand for export at $11 per hundredweight, placing it, for the time, at the head of the list as the country's product of greatest value. And, in view of the peculiar suitability of the climate and soil to the production of the highest grades of this article, which has as yet received comparatively little attention, as well as the growing demand for it as a staple both in Europe and America, it seems destined to take its place permanently as the most valuable and profitable product of the Republic.

The production of tobacco leaf, bananas, coffee, hides and skins, wax, and dyewoods was also considerably increased, and the prices received generally higher than those of 1905, as shown by the annexed comparative tables.

The most striking feature of the year's trade is the marked increase in imports, which were considerably larger than those of any preceding year, consisting almost exclusively of staple merchandise and food supplies, and indicating a greatly increased purchasing power on the part of the general public.

The total value of imports, exclusive of currency, was $4,281,337, against $2,736,828 during 1905, showing a net increase of $1,328,609, or 49 per cent over the comparative period, which was the record year of the Republic in general commerce and imports up to that time.

Of this increase in trade the United States received $685,938, consisting of larger purchases in that country of general merchandise, but especially of cotton goods, which were more than doubled. Increased purchases were made in Germany to the value of $382,676, considerably more than half of which represented increased rice importations. Great Britain enjoyed an increased trade to the extent of $160,143, consisting almost entirely of larger sales of cotton goods. The importations from France were increased 25 per cent, or $59,196, and those from Spain $50,315, doubling the trade with the latter country. Other changes in trade of less importance took place, as shown by the annexed tables.

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The total values of commercial transactions of the Republic with foreign countries during 1906 were distributed as follows:

Countries.	Values.	Percentage of the whole.
United States	$6,352,707	57.8
Germany	2,923,942	27
France	771,916	7.2
United Kingdom	572,714	5.2
Spain	93,732	.9
Italy	50,842	.5
Cuba	47,751	.4
Porto Rico	32,936	.3
All other countries	78,669	.7
Total	10,825,209	100

IMPORTS.

Trade in ordinary textiles, miscellaneous hardware, foodstuffs, and other similar merchandise of first necessity made up the greater part of the importations of the year.

The aggregate declared values of cotton goods, manufactures of iron and steel, rice, wheat flour, provisions (including meat and dairy products), oils, manufactures of vegetable fibers, fish and fish products, and articles of wood and leather manufacture, of relative importance in the order enumerated, constitute 74 per cent of the total value of imported merchandise, the remaining 26 per cent being represented by that of miscellaneous articles of every nature.

Imports under the leading class—cotton goods—were invoiced at $1,136,358, as against $552,774 for 1905, the increase having been due principally to larger receipts from the United States and Great Britain.

In manufactures of iron and steel, the United States, while furnishing more than half of the total values imported, showed a decrease in its shipments from those of 1905, although the purchases in Great Britain, Germany, and France were increased in considerable proportions. The total value of importations under this heading was $774,200, of which $283,561 came from the United States, $86,789 from Great Britain, $57,161 from Germany, and $34,736 from France.

Rice was the principal food product imported during 1906, and the amount received during the year—18,874,116 pounds, invoiced at $370,668—shows an increase over importations of the same commodity during the previous twelve months of 8,857,000 pounds. Of this increase, practically all came from Germany, which furnished 15,390,595 pounds of the total importation, while the remainder was divided principally between the United States and Great Britain.

The United States supplied substantially all of the flour imported, consisting of 58,622 barrels, valued at $250,390, as against 41,172 barrels imported during 1905, at a cost of $208,968.

The same country led in furnishing the meat and dairy products, the value of these purchased from that source having been $117,546, or $35,512 in excess of that of the previous year. The values of provisions from Germany, France, and Porto Rico of this class also show an increase; the total value of meat and dairy products having been $226,855, as against $138,195 during the comparative period.

The United States was, as usual, the principal source of the mineral-oil supply, which reached a value of $202,378, or 38 per cent over

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the invoice value of receipts therefrom during 1905. Spain's trade in olive oil increased from $2,013 to $7,738, while the value of the oil trade with the United Kingdom, France, Italy, and "other countries" was a little more than that of the previous year.

Manufactures of vegetable fibers purchased by the Republic from other countries consisted mostly of bagging, in which to export local products, and cordage, invoiced at $149,027, against $85,721 for 1905. Formerly the United Kingdom controlled the largest portion of this trade, but during 1906 the value of fiber manufactures received from that country was slightly decreased, as well as that from France, while the values of such importations from the United States, Germany, and Spain were more than doubled for each country.

Among the imported foodstuffs consumed were comparatively large quantities of fish and fish products, the bulk of these being salt and dried fish from the United States, the value of which was $126,299, or $16,844 more than for 1905. The contributions of Germany and France to this class were also increased, but the importations from those countries are not as yet relatively important.

The aggregate value of manufactures of leather received from all sources was $118,579, as against $72,964 during 1905, the increase being due to larger receipts from nearly all countries furnishing these goods, but more especially to those from the United States, the value of which was $101,833, an increase of 68 per cent over that of the previous year.

The United States also furnished most of the wood manufactures, as was the case in 1905, the shipments therefrom being valued at $95,780 out of a total of $110,925. The remainder was supplied principally by Germany. The manufactures included under this heading consisted mostly of barrel heads and staves, and box shooks, used for export packing.

The remainder of the merchandise imported during 1906 was of a miscellaneous nature and minor importance, distributed throughout some thirty different classes of articles, as may be seen by reference to the accompanying schedules. The largest proportion of this came from the United States, although Germany as usual led in the values of malt liquors, woolen goods, and china ware supplied; Spain in dried fruits and nuts; Italy in hats and caps; and France in wines and liquors.

EXPORTS.

The principal products sold to other countries were, in the order of their relative value, sugar, cacao, tobacco, bananas, coffee, hides and skins, wax, tropical hard woods, and raw materials for drugs and dyes. The 123,401,271 pounds of sugar exported, with an invoice value of $2,392,406, was nearly all destined to the United States, the total shipments to that country aggregating 117,491,975 pounds, declared at $2,291,527. Of the remainder, 1,754,175 pounds were sent to the United Kingdom, 801,876 pounds to Germany, 304,605 pounds to France, and smaller quantities, aggregating 348,640 pounds, to various other countries.

Cacao beans valued at $2,262,912, representing shipments of 32,022,460 pounds, were exported, of which 17,502,961 pounds went to Germany, 9,821,512 pounds to the United States, and the remainder to France.

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The total quantity of tobacco exported amounted to 14,965,799 pounds, with a valuation of $837,057, all of which was divided between the three countries named, as follows: Germany, 8,946,053 pounds, declared at $528,897; the United States, 3,746,162 pounds, at $189,279; and France, 2,273,584 pounds, invoiced at $118,881.

Practically all of the 669,100 bunches of bananas shipped, and invoiced at $334,005, went to the United States.

There were 2,916,727 pounds of coffee exported, with a declared value of $220,051. Of this 1,562,193 pounds, invoiced at $98,997, went to Germany; 569,215 pounds, at $50,030, to France; 564,291 pounds, at $49,556, to the United States; and 86,608 pounds, at $7,957, to Cuba; the remainder, in all 134,442 pounds, valued at $13,511, having been distributed in small lots among all "other countries."

Hides of goats and cattle declared at $150,440 were sold abroad, principally to the United States, Germany, and France; shipments thereto having been declared at $78,335, $60,849, and $7,521, respectively.

The value of the 514,825 pounds of wax shipped was $125,599. Of this product 281,288 pounds went to Germany, 154,233 pounds to the United States, 65,584 pounds to France, and to all "other countries" 13,720 pounds.

Shipments of tropical hard woods were made to the United States aggregating in value $27,773, while smaller consignments were generally distributed among the United Kingdom, France, and "other countries," making the total value of woods exported $72,859.

The remainder of the total declared value of exports represented shipments of cattle, $12,359; materials for the manufacture of drugs and dyes, $56,061; vegetable fibers, $20,630; honey, $15,985; and of cocoanuts, $5,814; as well as of many other minor tropical products itemized in the annexed tables.

FOREIGN TONNAGE.

The maritime movements by means of which the year's foreign commerce was effected were represented by 1,538 entrances and clearances at the eight seacoast entry ports of the Republic, of vessels having an aggregate tonnage of 1,656,002 tons.

NATIONALITY OF VESSELS.

Import cargoes valued at $2,445,429, or, say, 57 per cent of the total value of imports, were brought in American bottoms; values to the extent of $1,308,338, or 32 per cent, were carried in German; $272,111 in French; $95,680 in British; and $55,421 in Norwegian vessels. Cuban, Dutch, and Dominican ships brought cargoes to the value of $29,628, $13,316, and $11,246, respectively, while the remainder of the receipts were distributed among vessels of various other nationalities.

Export cargoes to the value of $2,102,519, or 32 per cent of the total value of exports, were transported by vessels sailing under the German flag. The export values carried in American vessels amounted to $2,091,480, also approximately 32 per cent of the whole. Norwegian steamers received cargoes aggregating $1,412,623 in value, or 21 per cent; while French ships obtained freight invoiced at $579,723; British, $311,931; Dutch, $23,496; the remainder of the exports having been shipped in Dominican vessels.

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COASTWISE TONNAGE.

In the coastwise trade 6,657 entrances and clearances were recorded at the various entry ports of the Republic, representing a total tonnage movement in the local trade carried on by Dominican vessels thereat of 122,219 tons.

Seventy-four per cent of this trade was carried on by small sailing vessels and the remainder by steamers of less than 60 tons burden.

This branch of commerce has increased in activity to meet the advanced requirements of the country.

The details of the foreign trade of the Republic during the calendar year 1906 are shown by Exhibit J, annexed.

REPORTS.

Since the organization of the receivership statistical reports of receipts and expenditures, and accountable returns accompanied by complete debit and credit vouchers, covering all receipts and disbursements, have been submitted monthly to the Dominican Government and copies thereof transmitted to the honorable Secretary of War of the United States. Comparative consolidations of these reports showing the results of all customs and other transactions of this office during the last two years are annexed as Exhibit B.

Property returns showing all property purchased or acquired by the receivership, its disposition and condition, have also been rendered this Government, and the corresponding records supported by proper documents maintained in the central office.

Two annual reports, covering all transactions of the customs receivership during the periods to which they pertain, have been submitted to the Dominican Government, and two annual reviews of the service, including the present, have been prepared for record.

Five statistical summaries of commerce of the Republic have been compiled, the first two having been published and distributed in separate pamphlets, printed in Spanish and English, and the last three published by the Bureau of American Republics in connection with its monthly bulletin.

ORGANIZATION AND PERSONNEL.

The organization of the receivership has remained substantially the same since its establishment in April, 1905, although the personnel has been changed from time to time as the exigencies of the service or personal necessities have required.

Exhibits D and E, annexed, contain the details of the present organization, as distinct from the usual customs department, and the personal records of those employed therein, as well as the changes that have taken place in the past year.

The personnel of this service has generally been active and efficient, while the thirteen American citizens employed in connection with the receivership—six of whom are attached to the central office and the remainder, including those assigned to the Haitian frontier, constitute the outside force—have each of them, in his own sphere, rendered independent, earnest, and capable service beyond the premises of ordinary compliment.

GEO. R. COLTON,
Controller and General Receiver.

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EXHIBIT N.

Translated extract from the annual report of the Dominican minister of foreign relations for the calendar year 1906.

[By Hon. Emiliano Tejera, minister of foreign relations.]

VIII.

THE ASSASSINATION OF CUSTOMS INSPECTORS THURSTON AND MILBOURN AT LAS MATAS.

The former commercial disorder existing on the frontier territory was a cause of a lamentable occurrence on the 6th of August last. Contraband goods having been discovered near Comendador, the inspector of customs ordered them sent to Las Matas, where they arrived despite the fact that their conductors were attacked en route. The smugglers were not satisfied with this, and on the morning of the 6th assaulted the house of Mr. Rafael Jovine, where the goods had been stored and where the inspectors of customs from Comendador and Tierra Nueva were stopping, causing the immediate death of Inspector Milbourn and seriously wounding Inspector Thurston, who died on the 8th. One of the customs guards, who was a Dominican, was also wounded. Messrs. Thurston and Milbourn were Americans.

Such an outrageous deed excited the zeal of the authorities at Azua. The inspector-general of the frontier, Mr. Manuel Mesa, went immediately to Las Matas and, together with the other authorities, commenced an active pursuit of the criminals. Some of them secreted themselves in the mountains of the frontier region and others in Haiti, but they were able to capture two at Las Cahobas, who were sent to jail at Port au Prince. Two others that were captured at Las Cahobas escaped.

As the trial and punishment of these smugglers was of urgent necessity, not only for the honor of Dominican justice, but also to insure the safety of the customs agents in their continuous struggle against smugglers, the executive power resolved that I should communicate with the Government of Haiti, requesting the extradition of the criminals who were in jail at Port au Prince—Pedro Santiago, leader of the gang that attacked the American inspectors, and Mateo Garcia, one of his accomplices. I did so, offering the Haitian Government the reciprocal action of the Government of Santo Domingo in similar cases. The Haitian Government, after carefully considering the documents relating to the two prisoners in Port au Prince, and in view of the desirability of opposing the demoralization of the frontier, which has been the cause of the loss of so much money by both Governments, decided to allow the extradition of the criminals, and they were conducted to the prison in this city on the 29th day of September of last year.

We should be very thankful to the Government of General Nordt, which, without any extradition treaty between the two countries, kindly granted the request of our Government and delivered to us the leader of the smugglers of Las Matas, who was principally responsible for the death of Inspectors Thurston and Milbourn.

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IX.

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INTERNATIONAL BUREAU OF AMERICAN REPUBLICS.

During the past year we have paid to the useful International Bureau of American Republics what we owed for the period from January 1, 1901, to 1906, and at the same time all amounts due to bureaus for the publication of customs tariffs, railroad offices, and others.

* * * * * * *

X.

RELATIONS WITH THE UNITED STATES AND NECESSITY OF A TREATY.

There is some misunderstanding regarding the relations between the Dominican and American peoples that fortunately has not become apparent in the official relations. There are several causes for the distrust of the motives for the action of the American Government. Some incredulous persons possessed of a mercenary spirit can not understand how a country can be willing to help another without a view to obtaining some sacrifice of dignity, territory, or perhaps the loss of independence and sovereignty. They forget history, and some of the most beautiful pages of it; they forget the birth of many nationalities founded upon sublime sacrifice, and without recompense, and for which foreign governments and people have cooperated without selfish interest, moved solely by the love of liberty. There are others, and they are not few, who desire to make national affairs of their private sentiments, to convert the wounds made in their hearts—perhaps by misunderstandings due to race prejudice—into national wounds with the hope that the conduct of the nation will be controlled by the sentiments and hatred caused by those wounds; and, above all, there is the partisan spirit that distorts and aggravates all things; and the ungovernable anxiety to return to the times of the rapid accumulation of large fortunes; as well as the great burdens which now oppress the poor Dominican people—passions, in short, that supplant the sound judgment so necessary to-day to anticipate the dangers that may threaten us and to prevent the precipitation by undue acts of the very evils that we desire to avoid.

I am pleased that patriotism is ever on the watch; that is its duty in weak countries, and when the hour of sacrifice arrives let it be proclaimed to the four winds, and the ancient and modern heroism, not unknown in Dominican territory, be repeated. But I do not believe it is well to permit ourselves to be alarmed by phantoms and sound the cry of alarm when there are no enemies in the horizon, nor be frightened when we hear the voices of the old spoilers, now disguised as patriots, speaking for the sole purpose of finding some one to purchase their silence, or throw them a morsel to gnaw. The national independence is not in danger, as is frequently stated, because we would make a loan to meet our old obligations, nor because we would relieve the people of half of the heavy debt with which

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former waste has burdened them, nor because these debts would be paid according to their real value and not in accordance with their nominal value, the larger part of them being legal but not entirely just.

It is entirely beneficial to a country to unburden itself of a multitude of undue incumbrances, and a patriotic work on the part of those that bring it about in spite of the protests, insult, and calumny of the old spoilers, aggravated because there will be no more plunder to be distributed, and because they also see that the easy means of enriching themselves at the expense of the unfortunate Dominican laborer is destroyed, perhaps forever. But independence is jeopardized by provoking discord and exciting hostility between brothers; by hindering the termination of the former exploitation by foreign merchants who, on account of customs duties and in order to incite and sustain civil war, loaned ten dollars for the purpose of collecting a thousand midst the weeping and wailing of widows and orphans; by obstructing and impeding the establishment of a system that would permit us to instruct and improve ourselves, that we might produce the necessities of life—in a word, to civilize ourselves and not hereafter be a danger and a shame for the countries that surround us, and who have the right to intervene to prevent us from living in barbarism. The burdensome load of debt which weighs upon the people and the thousands of fetters placed upon their progress show where they were taken by the old course of procedure. The present condition, in which no debts are being contracted and public services are being paid for, speculators are not being enriched, and we are earnestly endeavoring to combine and reduce the debts, to do away with burdensome concessions and financial incumbrances, and lay the foundation of future national progress, demonstrate also where the new plan will lead them.

Oh, what lack of common sense the Dominican people would show if they were to believe that their independence would be lessened if they impeded and took away from bad governments—good ones will not take advantage of it—the power to incumber them with heavy debts in order to enrich the officials and their protégés!

What a lack of common sense they would show if they really believed that their former discredited leaders, whose declarations of honesty cause their old associates to laugh, are to-day the champions of the country's dignity and of its economic independence, who yesterday helped to compromise it, and who would now compromise it again if they had the power and would be benefited thereby!

What lack of common sense the people would show if they should regard as traitors those patriots who have at all times borne self-denial, even self-sacrifice; whose hands and consciences are clean, and who to-day, instead of the rest to which they are entitled, take up the struggle, patriotically and tenaciously, to lighten the burdens of the same people and prevent their future imposition!

If they but study our affairs without partiality, reason will tell those men of good faith who entertain doubts that the American Government does not attempt to help us without entire disinterest, but on the contrary has, naturally, a great and powerful interest. The advantage of its policy requires that European powers obtain

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no footing in America, and in order to prevent it they help us. If our foolishness continues—if we do not pay what we owe to our European creditors—the day will come in which, tired of waiting and soliciting, the governments of Europe will take possession of our custom-houses for the purpose of collecting those debts, and perhaps part of our territory. In that event the American Government would either have to go back on its policy and admit that the Monroe doctrine is only an absurd vision, undertake a war with powerful nations, pay the debts, or guarantee them by taking charge of the revenues.

Is it not a sound policy to avert these possibilities, when by so doing we not only avoid danger to ourselves but help a republican people out of an unfortunate and critical position? Is it not a sound policy to give them our aid when, in addition to the advantages mentioned, we would also have, as soon as it is demonstrated that the United States assists us without demanding territorial compensation, the influence of all Latin-America, and also the advantage of trade in a market where we can dispose of a part of our agricultural and industrial products? The United States are now, and will be for a long time, the natural protectors of the weak Spanish-American republics, and in the hearts of the patriots of each of those countries there is a wound that bleeds when they remember the humiliations and impositions inflicted upon them whenever that protection has been diminished, or when it could not be requested or granted.

Honest man that I am, I must believe the statements of honest men of other countries, and I have no right to doubt the sincerity of those who, having control of Cuba—a hundred times richer than our country, a hundred times more governable—volunteered to retire from there and raised it to the rank of a sovereign nation. I have confidence in the assertions made more than once by President Roosevelt, and by the wise and honorable statesman Mr. Root, and until other facts develop to contradict it I will hold as an undisputable truth the declaration of the eminent statesman, Mr. Hay, made on the 9th of February, 1905, by direction of President Roosevelt, prompted by a question addressed to the said Secretary of State by the well-known writer Mr. J. N. Léger, minister from Haiti in Washington, i. e.:

In reply to your inquiry of this morning I am pleased to assure you that the Government of the United States of America has no intention whatever to annex either Haiti or Santo Domingo, nor do we wish to obtain possession by force or by means of negotiations, and that even in the event that the citizens of one or the other Republic should request incorporation or annexation with the American Union there would be no inclination on the part of the National Government, nor on the part of public opinion, to accept such a proposition. Our interests are in harmony with our hope that you may continue in peace, prosperity, and independence.

XI.

TREATY NEGOTIATIONS.

On June 9, 1906, the executive power gave ample authority to Mr. Federico Velasquez H., minister of finance and commerce, to take necessary steps in the United States to bring about the reduction and payment of the Dominican debt. Such an arrangement was facilitated by the credit already acquired by the present Government and the stipulations made by Dr. Francisco Enriquez y Carvajal in the advantageous agreement entered into on the 3d day of June, 1901,

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with the French and Belgian creditors, by which the creditors agreed to accept 50 per cent of the amounts due them in full settlement of their claims, provided they would be paid in cash within twenty years. As the Belgian and French claims are the most legitimate, it was hoped that the same terms of settlement would be accepted by the other creditors, the condition of whose claims are identical or worse, much worse when the former represent more than half the entire Dominican indebtedness.

Mr. Velasquez, assisted by Doctor Hollander, a gentleman thoroughly posted regarding Dominican financial affairs, after a great deal of effort secured a contract from the substantial banking firm of Kuhn, Loeb & Co., of New York, for a loan of $20,000,000 American gold, payable in fifty years and redeemable in ten, with 5 per cent interest yearly, and with a premium at 4 per cent. This loan is destined to pay the Dominican debt, which has been reduced by mutual agreement with the creditors from thirty odd million dollars to seventeen million, more or less; the remainder, with the funds deposited in New York, to be used to purchase the several onerous concessions and to be devoted to the construction of railroads, bridges, and other necessities for the industrial progress of the country. The agreement is subject to the conditions that receivers appointed by the United States will collect the entire amount of the customs revenue of the Republic and send to the fiscal agent in New York an annual sum of $1,200,000, to apply on the principal and interest of the loan, and to deliver the balance to the Dominican Government. Another agreement was made with the Morton Trust Company, of New York, to act as the fiscal agency of the Republic, as well as depository and disbursing office of the loan funds. The executive power approved the work of the minister of finance and commerce, and authorized him to make arrangements with the creditors in accordance with the plan under consideration at the time of entering into the contract for the loan.

As is well known by all, the convention of the 7th day of February, 1905, was never considered by the United States Senate nor by the Dominican Congress. As one of the stipulations of the contract for the loan was that the American Government would intervene in the receipt and distribution of the customs revenues of the Republic, the President of the United States gave full power to Mr. Thomas C. Dawson, resident minister in this city, to negotiate with the plenipotentiaries of the Dominican Government the terms of a new treaty to substitute the old one. The executive power appointed the minister of finance and commerce and myself for this delicate and important duty, and on the 8th instant, after extended discussion, we signed a convention that in due time will be submitted for the approval of the National Congress.

Our patriotism impelled us to eliminate from that treaty anything that could injure the national sentiment, and we believe that a great deal was accomplished, although in our position as debtors, and with few exceptions for twenty years bad debtors, we were obliged to accept certain conditions. The people and Congress will judge of our work, taking into consideration all the circumstances under which it has been performed, and not assuming that the country owed nothing, and that we were therefore entirely free to refuse any agreement which was not deemed beneficial.

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I do not know whether my love for this unfortunate country deceives me, but it seems to me that the loan which we have contracted is the conclusion of the effective evolution beginning in July, 1899. At that time the chief supporter of the methods that have cost so much money to the Dominican taxpayer fell, and now we will do away with those methods entirely. It will be a resurrection to new life. If Congress and the Executive combine themselves in a spirit of patriotism for the purpose of obtaining from the loan all the benefit possible; if the amounts which the legislative power has at its disposal are employed in the purchase of concessions undesirable to-day and more undesirable to-morrow; in constructing railways and highways to connect the Cibao with the southern portion of the Republic and place all the turbulent frontier region in easy communication with the rest of the country; if it encourages the immigration of industrious and experienced agriculturists; if it eliminates or diminishes obstacles to the pursuit of stock raising on uninclosed and undivided lands; if the people are instructed so that they may obtain from their labor all the benefit possible; and the tariff is modified by reducing the rates on articles consumed by the laboring classes in order that living will be cheaper, the country is saved, the revolution of July will have been the rise of a new sun of liberty and progress, the beautiful hope of having within a few years a prosperous country, worthy of respect, civilized, and, above all, independent and sovereign, will not have been a dream of delirium.

EXHIBIT O.

Translated extract from the annual report of the Dominican minister of finance and commerce for the calendar year 1906.

[By Hon. Federico Velasquez, minister of finance and commerce.]

* * * As regards the success obtained in the public revenues, it will be shown by the excess resulting from a comparison of the collections during the year 1906, to which I refer in this report, and the previous year of 1905. The difference is encouraging, showing the possibility that the Republic has for triumph over its present penury and arising therefrom proud in its position to continue onward and obtain by its own efforts the highest ideal of prosperity and civilization.

* * * This branch of the administration is still far from the perfection that it should attain; but it has progressed, it is still continuing in the same direction, and it may be assured that it will succeed, notwithstanding the obstacles which this secretaryship has met in its patriotic work, and which obstacles, it is necessary to state, have originated principally from a number of the very friends of the situation. So contrary to order are the customs, so inveterate in general has become the habit of disorder, that many of the men who theoretically express enthusiasm for the establishment of regular and systematic order, understanding that only by that path is the salvation of the country possible, when it comes to actual practice, when they find that such a state of affairs would be imposed upon them,

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and would subject their life to certain limitations not in accord with customs already rooted, in opposition to existing interests, they rebel against the saving reform, accusing the person in charge of its execution for his perseverance and faith in the duty.

Notwithstanding, Citizen President, my resolution to comply with all the duties in the charge which you have imposed upon me is firm. The reform of our surroundings and the correction of unjust prejudices I await full of faith in the advantages that will result from the economical organization to which I devote all my efforts, and if obtained it will bring about the redemption of the so long lost economic autonomy, which is the unavoidable condition of the complete preservation of political independence.

The amount of the revenue during the year 1906 was $3,826,679.17, as may be seen by the following statement. (See Exhibit I.)

* * * * * * *

Comparing the amounts of the revenue of the year 1906 with those shown in my report for the year 1905, we see that the difference which exists in favor of the year 1906 is $1,398,876.97, and if we make the same comparison with previous years we may note not only that the difference is greater, but that not more than two years ago our income did not amount to half the sum of that of 1906.

This data, it must be confessed, is consoling for the true patriot, as it shows without doubt that the Dominican Republic continues with a sure step and with proper methods on the road to liberation from the present troublesome situation in which the passions and mistakes of his own children have inconsiderately placed it. It is proper that I should repeat here what I said in my report presented last year:

> This Republic reveals itself to-day with full capacity, not only to fulfill its functions as a State, duly complying with its duties, but in a condition to develop by its own efforts its sources of wealth, and bring about useful reforms, which will tend to give more extension to its production, provide better means of transportation, which facilitates commercial operations, and which may make possible the competition of our produce in foreign markets with great advantage to all our branches of wealth, which have no other basis than the increase and progress of agriculture, and with great benefit, of course, derived from the consideration and credit that the country will obtain from other nations, as its foundation for the hope of delivery and a brilliant future is its productive capacity.

The items of revenue during 1905 and those of 1906 speak clearly with renewed eloquence of figures, that for some time past we have been living in the public posts a life of order and honesty, where but a few years ago life, with few exceptions within and without the national palace, was one of shamelessness, dilapidation, cupidity, and permanent disgrace for the Republic, being the principal cause, if not the only one, why our weak State has felt itself more than once trembling on the brink of the abyss, and that for a long time we have found ourselves lacking economic autonomy, overweighed by debts, unjustifiable for the greater part, suffering insults and humiliations.

* * * * * * *

I would have nothing to add here to that which I stated in my last report with regard to the public debt, as the situation created by the decree of March 31, 1905, has not been changed, if, with the object of seeking a definite solution of this problem, which is not

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provided by the decree, since that only provides a term of suspension which can not be prolonged indefinitely, the executive power had not conferred upon me the delicate mission to go to the United States vested with the most ample powers for the purpose of obtaining, by means of a loan, the indemnification of said debt, and at the same time to reach an equitable agreement with the creditors of the Republic, obtaining from them a radical reduction of their claims, taking into consideration their origin and manner of increase—in a few words, to realize the conversion of our public debt.

I have already given account of the negotiations carried into effect with the banking house of Kuhn, Loeb & Co., of New York. In this matter I was assisted by Dr. Jacob Hollander, a person who is competent in financial matters and who has made a study of the economic questions of the Republic. It was a very laborious task, and the loan of $20,000,000 was finally obtained at an annual interest of 5 per cent, with the emission of bonds at 96 per cent, to be canceled within fifty years with 1 per cent, redeemable in ten years, and guaranteed by a treaty with the Government of the United States, in virtue of which the customs revenues would be collected by employees of said Government. At the time that I made the contract with Kuhn, Loeb & Co. I entered into another agreement with the Morton Trust Company as fiscal agents of said loan, as it was necessary to secure some one with sufficient guaranty who would take charge of such service, as the bankers who subscribed the negotiations refused to take charge of the same. If we had not obtained the reduction more or less of half the amount of the debt, as has been done, the operation which has been effected would not be advantageous to the country; but it is so, because the reduction obtained lowered automatically the interest which the Republic is compelled to pay on the entire debt, the rate of interest which is now being paid being something more than 4 per cent, for which reason, if the $1,200,000 were applied yearly to that service, we would not only be unable to consign a portion of same for the amortization, but we would not even be able to cover all the interest. Another advantage, besides that, which we must not overlook is the extinction of all burdensome concessions, which to-day are the sources of confusion and ruin, as much for the fiscal interests as for the national commerce. My conscience as a patriot says that this step is good for the public. Thinking so about it, feeling thus on the subject, after long and painful consideration, I have arrived at the end, being bound intimately to the work of bringing it about until I am convinced or it is shown me that it is not good, or that something better might be obtained than at present, without danger to the country even in securing the same.

If anyone presents a solution that is more favorable for the solution of this tedious question which we have before us, I shall be a determined supporter of the same; but it is prudent not to deviate from the reality, such as it is; we must not forget what we have been and what we are; what we have done and what we are doing now; what ought to be done and what can be done, for which purpose we should keep in mind the fact that it is brought upon us by our own actions. I know that there are many who have the erroneous idea that the modus vivendi, thanks to which we have been living for two years with relative ease and which has permitted the accumula-

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tion of a respectable sum of money destined to the payment of said debts, might be taken for a definite solution of our economical situation. But these parties do not bear in mind the fact that the situation created by the modus vivendi is based only on an administrative disposition made without regard to the disposition and consent of the creditors, who have accepted the dilatory terms imposed upon them for the payment of their claims in the hope of a solution of the problem by means of the convention signed on the 7th of February, 1905; for which reason they are demanding that we define at an early date a situation which it is now impossible to delay longer. The modus vivendi, taken under its proper aspect—that of a transitory measure with which the Government alleviated for the moment its compromising situation, imposing upon the creditors a delay in order to provide a means to make provisions for the fulfillment of its obligations—can never be considered a solution of the problem; it lacks the consent of all the interested parties; it does not provide a concrete form in which the distribution is to be made among the creditors of the sum destined as reserve payment. This measure, which certainly has been advantageous for the country as a respite, with which it has attained and under the provisions of which it has been able to plan its course in a decorous and satisfactory manner, that we may arise from the chaos in which we have been living up to the moment that such resolution was taken, on the other hand, would continue to be a great prejudice if we did not know how to solve the problem at hand.

To the penetration of men of clear intelligence and to those who may study this question without political passion or bias from the standpoint of patriotism and general good, this truth can not escape. It is not with sentimentality more or less childish, nor with more or less vain bragging, nor with words more or less empty, nor with sentences more or less pompous, with which the grave questions of state can be solved. Anyone understands how to make an impression upon the patriotic sentiments of the ignorant masses, or upon those who have a vulgar political interest; that is very easy. But that is not what honesty and patriotism at this moment require. The hour is solemn; it is the hour for profound meditation, of conscientious and honest reflection. The most transcendental problems of the country are about to be solved, and neither political charlatanism nor personal interest should resolve them, but wisdom, tact, and patriotism.

On the 8th of the present month the new treaty with the United States, as a complement of the loan, was signed through the representative of the United States, Mr. T. C. Dawson, and at the same time signed, in accordance with new authority from the executive power, by me, together with my honorable colleague the minister of foreign affairs.

I know that the negotiation in its entirety has found opposers, who are speaking at random, endeavoring to discredit it and awake against the contract public opinion, which they present as mentors; but the fact most worthy of attention is that the greater part of the opposition is composed of those who would be considered the least authorized to take such initiative, since if they were to question their consciences they would be told that they have assumed a great deal of responsibility in the state of ruin which compels the Republic

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to make such negotiations, and would deny them the right to advance obstacles to the work of a few men who, at the head of the present Government, have given only proofs of patriotism and honesty, being able to present themselves before history with high forehead and clean conscience, when they accept with grief the unavoidable imposition of the conditions brought about by the shameless action of those who for such a long time, and with a view only to personal lust and gain, compromised the economic autonomy of the Republic.

POLITICAL AFFAIRS IN THE DOMINICAN REPUBLIC.

File No. 27/203–204.

Minister McCreery to the Secretary of State.

No. 33.] AMERICAN LEGATION,
Santo Domingo, August 21, 1907.

SIR: I have the honor to inclose copy [a] and translation of the reply of the President of the Dominican Congress to the message of the President of the Dominican Republic.

The President's message was sent to the Congress at the opening of the session, February 27 last. The reply, following the established custom, was made on June 26 last, the day of adjournment.

The reply states that Congress heartily supports the Executive in the efforts to bring about the proper organization of the public administration and urges stringent measures against disturbers of the peace. It also advocates assistance by the Government to the districts which have suffered most from civil disorder, and mentions the appropriation made for irrigation works in the district of Monte Cristi. It refers to the provision made for the Guardia Republicana, formerly called the Rural Guard.

The Republic has of late taken part in a number of international expositions and congresses. Mention is made of The Hague Conference. Reference is made to the treaties signed at the Pan-American Congress at Rio Janeiro in July, 1906, as follows:

> Regarding the treaties signed by the States taking part in the Second Pan-American Conference held at Rio de Janeiro in July last, and which treaties were signed by our delegate, Emilio C. Joubert, excepting the treaty providing for a change of nationality of the citizens who return to reside within the national territory, it being contrary to our political constitution, the committee on foreign relations has reported favorably, and Congress has approved the treaty relative to the compilation of a code of international law to regulate relations among the American republics, and the congress regrets that a bulk of urgent matters have not permitted the discussion and approval of the said treaties in this session.

It is recommended that all the good will and patriotism of the Government be exerted to effect a settlement of the boundary question with Haiti.

The approval of the Dominican-American Convention by the Congress is mentioned, and it is stated that there remains only the formality of the exchange of ratifications to make the convention effective. The amendment of the bankers contracts by the Congress is referred to.

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[a] Not printed.

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Revision of the codes is favored, as well as more stringent treatment of the irregularities of officials.

Certain changes were made in the department of education, and reforms pointed out which should be considered by the next Congress.

The misuse in former years of funds voted for "public works" is pointed out and a more rigid accounting recommended.

The successful work of the several executive departments is referred to.

The president of the Congress, while mentioning that constitutional reforms can be enacted only by a constitutional convention or congress called for that special purpose, states that the present Congress enacted the following amendment to the constitution:

ARTICLE 112. The present electoral colleges will continue in operation until the 1st of November, 1908, the date upon which the next general elections will be proceeded with.

The present constitutional period will end on the 27th of February, 1909. From this date henceforth the usual periods will be counted as of four years, beginning and ending with the 27th of February. In case of extraordinary elections, no matter what date of same may be, the constitutional period will be reckoned from the 27th of February nearest to the election.

President Morales was elected in June, 1904, for a period of four years. He was succeeded by the Vice-President, Caceres, in December, 1905. The amendment passed by Congress extends the term of office of the Executive and deputies to February 27, 1909.

The reason given is that the present Congress desires to cooperate with the Executive in carrying out the terms of the convention and giving impetus to the development of the country, and the desire to make February 27 the beginning of the constitutional period.

This amendment has not yet been approved by the President and published in the Official Gazette.

The minister for foreign affairs tells me the amendment is not in force.

I have, etc., FENTON R. MCCREERY.

CONSTITUENT CONVENTION OF 1907 AND CONSTITUTION PROMULGATED ON SEPTEMBER 9, 1907.

File No. 27/207–209.

Minister McCreery to the Secretary of State.

No. 46.] AMERICAN LEGATION,
Santo Domingo, October 5, 1907.

SIR: I have the honor to inform you that a constituent convention has been convoked by the Congress to meet at Santiago de los Caballeros on the 20th proximo, and to amend the political constitution of the Dominican Republic in its articles 6 to 104, inclusive, and 107 to the last article.

I inclose copies and translations of the decree declaring the necessity for amending the constitution and the decree convoking the convention.

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The constitution of 1896, as changed and amended by the Congress in regular session, on June 14, 1907, was signed by the executive power on September 9, 1907, and published in the Official Gazette on September 11, 1907.

Among the changes appearing in the constitution of 1907, which is now in force, are: A new political division into provinces, communes, and districts; the abolition of the death penalty; obligatory and free primary instruction; a new judicial organization; simplified amendment of the laws; and the temporary solution of the electoral problem in article 112, as follows:

The present electoral colleges shall continue in office until November 1, 1908, upon which date the next general elections shall be proceeded with.

The present constitutional term shall end February 27, 1909. From that date the regular terms of four years shall be reckoned, beginning and ending on February 27. In case of special elections, whatever their date, the constitutional term shall be reckoned from the 27th of February nearest the election.

This article extended for several months the term of the President and deputies now in office. An amendment fixing February 27, 1908, instead of the same day in 1909, for the beginning of the next constitutional term will be considered by the convention. In case of its adoption, the elections will be held late in 1907 or early in 1908.

Under the constitution of 1896 the Congress had power to amend the constitution. Under the constitution of 1907 amendment can be effected only by a constituent convention convoked by the Congress.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure 1.—Translation.]

Decree declaring the necessity for amending the political constitution of the State.

[From the Gaceta Oficial, September 21, 1907.]

The National Congress of the Republic, urgency declared and in accordance with article 105 of the constitution, decrees:

To hereby declare the necessity for the amendment of the political constitution of the State in the following points: The articles 6 and following to the 104th, inclusive; the articles 107 and following to the last article.

Given in the Palace of the National Congress on the 20th day of September, 1907; sixty-fourth year of independence and forty-fifth of the restoration.

The president: RAMON O. LOVATON.
The secretaries: A. ACEVEDO.
C. A. NOUEL.

Let this be executed and communicated by the corresponding department, published throughout the territory of the Republic for its compliance.

Given in the National Palace of Santo Domingo, capital of the Republic, on the 20th day of September, 1907; sixty-fourth year of independence and forty-fifth of the restoration.

The President of the Republic:

R. CACERES.

Countersigned: The minister of the interior and police,

ML. LAMARCHE GARCIA.

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[Inclosure 2.—Translation.]

Decree convoking a constituent assembly.

[From the Gaceta Oficial, September 21, 1907.]

The National Congress in the name of the Republic, urgency declared, decrees:

First. To hereby convoke extraordinarily the electoral colleges to assemble in accordance with articles 80 and 107 of the constitution, in the capitals of the provinces, on the 20th day of October of this year, and to proceed to the election of the constituent assembly, which latter shall amend the political constitution of the State in its articles 6 and following to the 104th, inclusive; 107th and following to the last article.

Second. The constituent assembly shall meet on the 20th of November in the city of Santiago de los Cabelleros.

Third. In case any province is without representation in the constituent assembly, this latter shall fill the vacancy in accordance with the paragraph of article 18 of the constitution.

The qualifications required of a member of the constituent assembly are the same as those required of a deputy.

Fourth. The members of the constituent assembly during the sessions shall have the same salary as the Deputies to Congress and shall receive traveling expenses, as provided in the decree of the executive power of the 4th of June, 1904.

Fifth. The salaries and expenses of the constituent assembly shall be paid by the treasury department from the general revenue of the exchequer.

Let this be transmitted to the executive power for constitutional purposes.

Given in the Palace of the National Congress on the 20th day of September, 1907; sixty-fourth year of independence and forty-fifth of the restoration.

The president: RAMON O. LOVATION.
The secretaries: A. ACEVEDO.
C. A. NOUEL.

Let this be executed and communicated by the corresponding department, published throughout the territory of the Republic for its compliance.

Given in the National Palace of Santo Domingo, capital of the Republic, on the 20th day of September, 1907; sixty-fourth year of Independence and forty-fifth of the Restoration.

The President of the Republic:

R. CACERES.

Countersigned: The minister of the interior and police.

ML. LAMARCHE GARCIA.

File No. 27/214–215.

Minister McCreery to the Secretary of State.

No. 61] AMERICAN LEGATION,
Santo Domingo, November 23, 1907.

SIR: Referring to my No. 46, of the 5th ultimo, relative to the constitution of the Dominican Republic promulgated on September 9, 1907, I have the honor to inclose for the files of the department a copy of the said constitution from the Official Gazette and a translation.

The constituent convention convoked by the Congress assembled at Santiago de los Cabelleros on the 20th instant for the reform of this constitution.

I have, etc., FENTON R. MCCREERY.

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[Inclosure.—Translation.]

CONSTITUTION OF THE DOMINICAN REPUBLIC.

The national congress, in the name of the Republic, after invoking the assistance of the Supreme Creator and Lawgiver of the Universe, declares the present political constitution of the Dominican Republic, revised in its legislature of 1907, to be in full force and power.

TITLE 1.

SECTION 1.—*The nation and its government.*

ART. 1. The Dominicans constitute a free and independent nation called the Dominican Republic.

ART. 2. Its government is essentially civil, republican, democratic, and representative. It is divided into legislative power, executive power, and judicial power. These three powers are independent in the exercise of their respective functions. Those invested with the authority of these departments are responsible and may not delegate their powers: these powers are limited to those expressly determined by this constitution and the laws.

SECTION 2.—*The territory.*

ART. 3. The territory of the Republic is and shall be inalienable. Its boundaries, which comprise all that formerly called the "Spanish part" of the island of Santo Domingo and the islands adjacent thereto, are, therefore, the same which by the treaty of Aranjuéz of 1777, separated in 1793, the Spanish from the French part on the west; and they shall suffer no modifications except those legally authorized and those which may be derived from the plebiscite of the 1st and 2d of June, 1895.

ART. 4. The Dominican Territory is divided into provinces and these are subdivided into communes.

The number and boundaries of the provinces, as well as of the communes into which the provinces are divided, shall be fixed by law.

ART. 5. The city of Santo Domingo is the capital of the Republic and the seat of the Government.

TITLE 2.—*Nationality.*

ART. 6. Dominicans are:

1. All persons born in the territory of the Republic, no matter what the nationality of their parents may be, except the legitimate children of foreigners who are here in the service of their country or who have not taken up residence in the Republic.

2. Persons born in foreign countries of Dominican fathers in the service of the Republic.

3. Children born in foreign countries of Dominican parents, if they be domiciled in the Republic and do not, on their arrival here, declare before the president of the municipality in which they reside, either in person or through those who legally represent them, that they are not of foreign nationality.

4. All persons naturalized according to this constitution and the laws. To obtain naturalization it is necessary:

(*a*) To have been authorized by the executive power at least two years previously to make his domicile in the country.

(*b*) To declare at the beginning of this period before the president of the municipality in which he has his domicile his intention of becoming naturalized.

(*c*) To present certificates as to his life and character issued by the prosecuting attorney and the governor of the province in which he resides.

(*d*) To have lawful means of support.

(*e*) To take oath of allegiance to the Republic before the governor of the province. Naturalization papers shall be obtained only after the lapse of one year after the declaration.

ART. 7. The law shall determine the rights which belong to foreigners.

ART. 8. All Dominicans are in duty bound to serve their country, as the laws may dispose, sacrificing their property and lives if necessary.

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TITLE 3.—*Individual and political rights.*

SECTION 1.—*Individual rights.*

ART. 9. The constitution guarantees to all the inhabitants of the Republic:

1. The inviolability of life. Neither the sentence of death nor any other which implies loss of health or the physical integrity of the individual shall ever be imposed.

2. Freedom of expression of thought either orally or by means of writing or printing without previous censorship; but those who in use of this freedom commit misdemeanors shall be responsible before the courts.

3. Property with all its rights. It shall be subject only to the taxes levied by the legislative authority, to judicial decisions, and to be taken for the public good after indemnization and judgment before a competent tribunal.

4. Inviolability of private correspondence and papers except in case of a judicial investigation.

5. Personal liberty. The right to pass freely, without a passport, throughout the territory of the Republic, and of free choice of residence, which shall not be restrained except by judicial decree.

6. Freedom to labor.

7. The ownership for a limited time of inventions and discoveries, as well as of scientific, artistic, and literary productions.

8. The right to meet and associate, without arms, publicly and privately.

9. The right to petition any authority whatever and to obtain action thereon; but no individual or body of individuals shall assume to represent the people or petition in its name.

10. Freedom to teach. Consequently anyone may found establishments for education and instruction, subject to the respective laws. Primary education is gratuitous and obligatory. This and instruction in the arts and trades shall be provided for with the public funds.

11. Freedom of worship. The relations between the Catholic Church and the State shall continue being the same as they are at present, as long as the great majority of Dominicans profess the Roman Apostolic Catholic religion.

12. Individual security. Therefore:

(*a*) No person shall be arrested for debts not incurred through fraud or crime.

(*b*) Nor be obliged to lodge and quarter soldiers in his own house.

(*c*) Nor be tried by special courts or commissions, but only by the regular judges and according to laws published before the deed was committed for which he is being tried.

(*d*) Nor be imprisoned or arrested without a previous written warrant of a competent functionary, setting forth the crime for which the warrant was issued, except in case the person be taken "infraganti."

(*e*) Every prisoner shall be informed of the cause of his imprisonment, and his deposition shall be taken within forty-eight hours after he was deprived of his liberty, and no one shall be kept in close confinement any longer than the judge of instruction shall deem indispensable to prevent interference with the investigation of the crime; nor shall anyone be imprisoned for a longer time than that which the law determines.

(*f*) Nor shall anyone be sentenced to suffer any punishment in a criminal case until after he has been legally heard and convicted.

(*g*) The domestic home shall not be entered except in cases specified by law.

Equality for all, and therefore:

All individuals shall be tried by the same laws.

No title of nobility or honorific distinction shall be granted.

No decorations shall be established.

No other official address shall be used than "citizen" and "you."

ART. 10. Any public, civil, or military official who issues, signs, executes, or orders to be executed commands, resolutions, or acts which violate these rights or infringe any of the guarantees made sacred by this constitution, shall be dismissed from the office which he holds and disqualified for the exercise of public positions for one year at the least and five years at the most without prejudice to any other punishment to which he may be condemned according to the case.

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SECTION 2.—*Political rights.*

ART. 11. The constitution guarantees to all Dominicans the following rights:
1. The right to elect and be elected to public offices.
2. The right to meet and associate, without arms, for political purposes.
3. The right to petition and obtain action on political matters.
4. The right to impeach public officials and employees for errors committed in the discharge of their duties.
5. The right to question the constitutionality of irregular laws.

TITLE 4.—*Citizenship.*

ART. 12. All Dominicans over eighteen years of age and those married, although they have not reached that age, are citizens.
ART. 13. Rights of citizenship are lost:
1. For taking up arms against the Republic or for giving aid to its enemies, or taking part in any plot the object of which is the loss of its independence or the integrity of its territory.
2. For having been condemned to any corporal punishment or infamous punishment alone.
3. By judicial interdiction.
4. For accepting while in Dominican territory an employment from any foreign government without consent of the National Congress.
5. For fraudulent commercial bankruptcy.
ART. 14. Restoration of the rights of citizenship may be obtained by all except those who have lost said rights, according to division 1 of the preceding article.

TITLE 5.—*Sovereignty.*

ART. 15. The people alone are sovereign.

TITLE 6.

SECTION 1.—*Legislative power.*

ART. 16. The legislative power is vested in a congress composed of deputies, chosen by indirect election and two for each province.
Deputies shall hold office for four years.
Congress as a whole shall be renewed and its members may be reelected.
The duties of deputy are incompatible, during the sessions, with all other public employment, office, or position, whether salaried or not.
The following can not be deputies: The President and Vice-President of the Republic, the secretaries of state, the chief justice, associate justices, and the government attorney of the supreme court of justice, and the governors of the provinces.
ART. 17. Besides these deputies, an equal number of alternates shall be elected in the same manner, to take the place of deputies in case of death, resignation, dismissal, or disqualification.
The alternates shall take the place of the deputies of their respective provinces in order according to the number of votes received.
ART. 18. To be a deputy it is required:
1. To be a Dominican in full enjoyment of civil and political rights.
2. To be at least twenty-five years of age.
3. To be a native of, resident of, or to have resided two years in the province which elects him.
In case a province is without representation in the Congress, it shall proceed to replace its respective deputies without strict adherence to this last requisite.
ART. 19. The Congress shall meet, with full power, the 27th of February of each year, and shall organize as soon as two-thirds of its members are present. The sessions shall last ninety days, and may be extended sixty days on request of the executive power or by resolution of the Congress itself.
Under extraordinary circumstances the legislative power may resolve to assemble in any other part of the Republic or to move to any other part of the Republic, if it has already assembled in the capital.

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ART. 20. The Congress shall not organize unless two-thirds of its members are present. A majority of two-thirds of the members present shall be required to pass any act relating to the laws and other matters of importance.

ART. 21. The sessions shall be public, and they shall be secret only when the Congress so decides.

ART. 22. The members of the Congress shall not be held responsible for opinions set forth in the exercise of their duties nor may they be indicted or molested for said opinions. Nor may they be prosecuted without the authority of the Congress.

ART. 23. The Congress shall have power:

1. To examine the certificates of election of the President and Vice-President of the Republic, count the votes, make valid the election which results from the general election returns, proclaim the election of said officials, administer to them the oath of office, and accept their resignations, if offered.

2. To choose from the lists presented by the respective electoral colleges the justices of the supreme court of justice and the judges of the tribunals of first instance and to accept their resignations.

3. To appoint likewise the members of the board of accounts and to accept their resignations.

4. To impeach its own members, the President and Vice-President of the Republic, the secretaries of state, the justices of the supreme court of justice, when legally accused and the accusation is well founded.

5. To levy general taxes and imposts.

6. To provide for public expenditures upon examination of the estimates submitted by the executive power.

7. To pass before adjourning, the annual budget. In case of failure for any reason to vote the budget corresponding to any fiscal period, the budget last voted shall continue in force.

8. To approve or disapprove, after examination of the report of the board of accounts, the collection and disbursement of the public revenue which the executive power must present to it annually.

9. To enact all civil and criminal legislation and to modify and amend it.

10. To decree whatever may be advantageous for the preservation, administration, profitable use, and transfer of the public property.

11. To decree loans to be contracted on the credit of the nation. No loan shall be voted without the previous declaration that it is for the public good.

12. To determine and make uniform the value, weight, die, type, standard, and denomination of the national money, and to resolve as to the admission of foreign money. In no case shall the national money bear the likeness of any person.

13. To fix and make uniform the standard of weights and measures.

14. To create or abolish public offices not provided for by the constitution, and to fix and to reduce or increase the salaries thereof.

15. To interpret the laws and decrees and in case of doubt or ambiguity to suspend or revoke them.

16. To declare war after consideration of the causes presented by the executive power and to direct the latter to negotiate peace when it believes it is necessary.

17. To give or refuse its consent to the treaties of peace, alliance, friendship, neutrality, or commerce, and to whatever others the executive power may arrange. Without the approval of the Congress no treaty shall go into effect.

18. To promote public instruction, progress of science, establishments of common utility, and to require from the executive power an annual detailed account of the state of the public and private educational establishments.

19. To grant general pardons and amnesties.

20. To proclaim a state of seige and to suspend for a limited time guarantees 2, 4, 5, and 8 of article 9, which read as follows: "2. Freedom of expression of thought either orally or by means of writing or printing, without previous censorship; but those who in use of this freedom commit misdemeanors shall be responsible before the courts. 4. Inviolability of private correspondence and papers, except in case of a judicial investigation. 5. Personal liberty. The right to pass freely, without a passport, throughout the territory of the Republic, and of free choice of residence, which choice shall not be restrained except by judicial decree. 8. The right to meet and associate, without arms, publicly and privately."

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Part (*d*) of the 12th. "Art. 9. Nor be imprisoned or arrested without a previous written warrant of a competent functionary, setting forth the crime for which the warrant was issued, except in case the person be taken 'in-fraganti.'" (*e*) of same. "Every prisoner shall be informed of the cause of his imprisonment, and his deposition shall be taken within forty-eight hours after he was deprived of his liberty; and no one shall be kept in close confinement any longer than the judge of instruction shall deem indispensable to prevent interference with the investigation of the crime; nor shall anyone be imprisoned for a longer time than that which the law determines."

21. To make all customs regulations and the revenue from the customs, together with the other revenues decreed, shall form the treasure of the Republic.

22. To impeach its members for crimes against the safety of the Republic.

23. To adjust, without repeal, differences which may arise between two or more provinces, between provinces and communes, between governors and municipal governments, and between these latter.

24. To decree everything relating to the boundaries of the provinces and communes.

25. To decree everything relating to commerce by land and sea, as well as on lakes and rivers.

26. To decree everything that pertains to the opening of main roads, railroad concessions, opening of canals, telegraph lines, and river navigation.

27. To determine, as found expedient, the periodic compilation of the general statistics of the Republic.

28. To decree everything relating to immigration.

29. To decree the formation of new provinces and communes.

30. To decree the creation of courts and tribunals in the places where this constitution has not already established them, and the abolition thereof when necessary.

31. To decree the mobilization and service of the national guards.

32. To transmit to the executive lists of three names of priests qualified for the vacant archbishoprics and bishoprics in the Republic, as long as a concordat does not modify the manner of making this presentation, so that the executive power may propose the list to the Holy See in the most convenient way. These lists shall be made up only of priests who are Dominicans, either by birth or parentage, and who reside in the Republic.

33. To determine everything concerning the public debt.

34. To establish local legislatures in the provinces when so requested by the municipal governments of the same, and to give them powers by means of a special law.

35. To decree the amendment of the constitution of the state in the form and manner provided therein.

36. To approve or disapprove the concessions or contracts made by the executive power or the municipal governments affecting the general or municipal revenue. To approve or disapprove the municipal excise taxes, other than those established by law, which have the character of imposts not established by law.

37. To decree, under urgent and exceptional circumstances, the removal of the executive to another place.

38. To have charge of everything relating to the equipment of ports and the seacoast.

39. To fix very year the force of the standing army in the Republic and to promulgate ordinances for the armed forces on land and sea.

40. To enact the electoral law.

41. To enact laws fixing the responsibility of all public employees for malfeasance in the exercise of their functions.

42. To determine the manner of granting military ranks or promotions.

43. To make the regulations which must be observed in the congressional sessions or debates.

44. To enact all laws necessary for the proper progress and administration of the Republic.

45. To interpellate the secretaries of state on all matters of public interest.

46. To examine, at the end of each constitutional period, all the administrative acts of the executive power, and to approve them if they were in accordance with the constitution and the laws; and if not, to disapprove them, and if there

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is reason, impeach the members of the executive power, individually and collectively.

ART. 24. The congress shall take cognizance of and pass upon every matter of business which is not within the jurisdiction of any other power of the State or contrary to the text of the constitution.

SECTION 2.—*Enactment of laws.*

ART. 25. The initiative in the enactment of the laws shall belong:

1. To the congress on proposal of one or more of its members.
2. To the executive power.
3. To the supreme court of justice in judicial matters.

ART. 26. Every bill or decree introduced in the congress shall be submitted to three different discussions, with an interval of one day at least between each of them.

In case the bill or decree is declared urgent it may be discussed in three consecutive sessions without requiring an interval of one day between each discussion.

ART. 27. Bills and decrees not considered by the congress shall not be proposed again until the next ordinary session; nevertheless one or more articles of a rejected bill may be incorporated into other bills.

ART. 28. No bill or decree approved by the congress shall become a law until it has been promulgated by the executive power. The latter, if it approves of the bill, shall order it to be published and executed as a law, but if the executive power objects to the bill, it shall return it with its objections within the period of eight days, counting from the date it was transmitted.

ART. 29. When the executive power objects to a bill or decree declared urgent by the congress, the remarks shall be transmitted within three days. If the executive power finds no objections, it shall order the bills published within the same period without discussing its urgency.

ART. 30. If the congress finds the objections of the executive power well founded, it shall amend the bill, or send it to the archives if the objections refer to the whole of the bill, but if in the judgment of two-thirds of the members present the objections of the executive power are not well founded, the bill shall again be sent to the executive power for its promulgation and the latter shall not for any reason whatever refuse to promulgate it.

ART. 31. No law shall be enacted contrary to the spirit or the letter of the constitution. In case of doubt the textual language of the latter shall always prevail.

ART. 32. No laws shall be in force until after they have been published in due form.

Nor shall concessions granted by the executive power and approved by the congress be in force until after they are published in the official newspaper.

ART. 33. Laws shall have no retroactive effect, except in case they are favorable to the one who is on trial or is serving a sentence.

ART. 34. The enacting clause of all laws shall be: "The National Congress, in the name of the Republic, decrees."

TITLE 7.

SECTION 1.—*The executive power.*

ART. 35. The executive power is vested in the President of the Republic in union with the secretaries of state in the respective departments as his immediate organs.

ART. 36. The President of the Republic is the head, by virtue of his office, of the general administration of the Government, but has no other powers than those expressly conferred upon him by the constitution and the laws.

ART. 37. To be President, it is required:

1. To be a Dominican by birth or parentage and a resident of the Republic.
2. To be at least thirty years of age.
3. To be in enjoyment of the civil and political rights.

ART. 38. The President shall be elected by indirect ballot in the manner determined by this constitution and the laws.

ART. 39. The President of the Republic shall be elected in the following manner: Each elector shall vote for the citizen he may prefer. The reports

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of the elections shall be transmitted in sealed envelopes to the president of the congress. When the president has in his possession the envelope from all the electoral colleges, he shall open them in public session and verify the votes. If a candidate has an absolute majority of the votes, he shall be proclaimed President of the Republic. Whenever no one obtains an absolute majority, the congress shall take the three who had the most votes and elect one of them. If on this first ballot no one obtains an absolute majority, the congress shall vote again to elect one of the two candidates who had the highest number of votes in the first count, and in case of a tie vote the election shall be determined by lot.

All these operations shall be performed in one continuous session, during which no deputy shall be allowed to absent himself or abstain from voting.

ART. 40. If twenty days after the one appointed for the election the reports of all the electoral colleges have not been received, the counting shall be made with those which the congress already has in its possession, provided they are not less than three-fourths of the total.

ART. 41. The President of the Republic shall serve for four years, counting from the day of his inauguration, and he is eligible to reelection.

ART. 42. There shall be a Vice-President, who must have the same qualifications as are required to be President, and he shall be elected at the same time and with the same formalities as the President.

ART. 43. In case of death, resignation, or disqualification of the President, the Vice-President shall exercise all presidential powers until the end of the term, and in case of impeachment or other temporary incapacity the Vice-President shall exercise the said powers only during the incapacitation of the Prsident.

ART. 44. When there is no President and Vice-President of the Republic, the council of secretaries of state shall act as the executive power, and, within forty-eight hours, shall convoke the electoral colleges for the purpose of election of said magistrates, and shall summon the Congress to carry out the provisions of part 1 of article 23 of this consttiution.

NOTE.—If the President of the Republic should resign when the Congress was not in session, the resignation shall be tendered to the council of secretaries of state after an announcement to the nation.

In this case the council shall exercise the executive powers, summoning, without loss of time, the Vice-President to exercise the powers of the President.

ART. 45. In regular elections for President of the Republic, the President-elect shall become President on the day on which the term of his predecessor ends; in extraordinary elections the new President shall begin to serve within eight days, at the latest, after having received official notification of his election, if he is in the capital at the time, otherwise within thirty days.

ART. 46. The President of the Republic, before entering upon the discharge of his functions, shall take the following oath before the Congress: "I swear before God and the Holy Gospels to comply and cause others to comply with the constitution and laws of the Dominican people, to respect their rights and liberties, and to maintain the national independence and integrity."

SECTION 2.—*Powers of the President of the Republic.*

ART. 47. The President has the following powers:

To appoint the secretaries of state, to accept their resignations, and to remove them when he considers it advisable.

SECTION 3.—*Attributes of the executive power.*

ART. 48. The executive power has the following attributes:

1. To preserve the nation against all foreign attack.

2. To cause the laws and decrees of the legislative power to be enforced, with the following formula:

"Let it be executed and communicated by the corresponding department and published throughout the territory of the Republic for its compliance."

3. To attend and supervise the collection of the national revenues.

4. To manage the public lands according to law.

5. To convoke the legislative power for special sessions when any serious matter requires it.

6. To appoint consuls-general, consuls, and vice-consuls.

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7. To appoint envoys extraordinary, ministers plenipotentiary, ministers resident, chargés d'affaires, and confidential agents.

8. To receive foreign public ministers.

9. To conduct diplomatic negotiations and conclude all kinds of treaties with other nations, and to submit the latter to the legislative power.

10. To grant the corresponding passage to bills and briefs, containing general provisions, provided they are not contrary to the constitution and the laws, to the prerogatives of the nation, or the temporal jurisdiction.

11. To request the Holy See to conclude a concordat for the arrangement of the affairs of the church, entreating at the same time the confirmation of the patronate.

12. To enter into contracts of general interest, according to the law, and to submit them to the legislative power for approval.

13. To appoint, when in its opinion it is necessary for the good of the public service, delegates with executive functions in the provinces, who shall comply with the constitution and the laws, and who, in case they overstep the limits of their powers or commit any other unlawful acts, shall be tried before the supreme court of justice.

14. To appoint the prosecuting attorneys and accept their resignations.

16. To name, provisionally, justices of the court and judges of the lower courts and tribunals when vacancies occur during the recess of the Congress.

17. To appoint the mayors of the communes and their respective alternates and to accept their resignations.

18. To appoint those employees of the treasury whose appointment has not been delegated to some other power, and to order their trial when there is reason therefor.

20. To issue sailing licenses to national vessels.

21. To declare war, in the name of the Republic, when the legislative power has decreed it.

22. To grant leaves of absence to military officials and to place them on the retired list.

23. To grant amnesties and special pardons for political causes.

24. To direct the disposal of the standing land and sea force, both in time of peace and in time of armed domestic disturbance or of foreign invasion.

25. To station the national guards for the interior security of the provinces.

26. To grant letters of naturalization according to the laws.

27. In case of war with a foreign nation it shall have power:

(1) To arrest or expel persons belonging to the nation with which the Republic is at war.

(2) To ask the Congress for appropriations to carry on the war.

(3) To cause Dominicans who are opposed to the national honor and defense to be tried for treason.

(4) To issue letters of marque and reprisal, and to make rules to be followed in case of captures.

ART. 49. For the purpose of reestablishing the constitutional order disturbed by an armed revolution, it shall have power, if the Congress is not in session, to declare a state of siege, and to suspend, as long as the public disturbance lasts, the guarantees given in article 9, Nos. 2, 4, 5, and 8, and parts (*d*) and (*e*) of the 12th guarantee of the same article, which reads as follows: "2. Freedom of expression of thought, either orally or by means of writing or printing, without previous censorship; but those who in use of this freedom commit misdemeanors shall be responsible before the courts. 4. Inviolability of private correspondence and papers, except in case of a judicial investigation. 5. Personal liberty—the right to pass freely, without a passport, throughout the territory of the Republic, and of free choice of residence, which choice shall not be restrained except by judicial decree. 8. The right to meet and associate, without arms, publicly or privately." Part (*d*) of 12: "Nor be imprisoned or arrested without a previous written warrant of a competent functionary, setting forth the crime for which the warrant was issued, except in case the person be taken 'infraganti.'" Part (*e*) of 12: "Every prisoner shall be informed of the cause of his imprisonment and his deposition taken within forty-eight hours after he was deprived of his liberty, and no one shall be kept in close confinement any longer than the judge of instruction shall deem indispensable to prevent interference with the investigation of the crime; nor shall anyone be imprisoned for a longer time than that which the law determines."

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ART. 50. In case of armed rebellion, the executive power, in addition to the power of suspending the guarantees given it in the foregoing article, shall have power to decree other measures of a temporary character, which may be necessary to the reestablishment of public order.

ART. 51. Under exceptional and urgent circumstances, the executive power shall be permitted to move to any other place in the Republic, even if the congress is not in session to so decree.

The executive power shall report to the congress by means of a message the use it has made of the powers granted to it in the foregoing articles.

ART. 52. The executive power shall be present the 27th of February of each year at the opening of the congress, and shall submit a message containing the details of its administration during the year.

The message shall be accompanied by the report of the secretaries of state on the affairs of their respective departments.

ART. 53. The President of the Republic at the end of his term shall report to the congress his administrative acts, for the purpose specified in division 46 of article 23.

SECTION 3.—*The secretaries of state.*

ART. 54. There shall be for the transaction of all the administrative business of the Government seven secretaries of state, namely: Secretary of the interior and police, secretary of foreign relations, secretary of justice and public instruction, secretary of improvement and public works, secretary of the treasury and commerce, secretary of war and navy, and secretary of posts and telegraphs.

Whenever the public service may require it, the President of the Republic shall have power to appoint such subsecretaries of state as in his opinion are necessary.

ART. 55. The following qualifications are required to be a secretary or subsecretary of state: To be a Dominican by birth or parentage, to be over 25 years of age, and to be in full enjoyment of civil and political rights.

Foreigners are eligible to the position of secretary of state eight years after their naturalization.

ART. 56. All the acts of the executive power shall be countersigned by the respective secretaries of state; without this requisite the acts shall not be complied with by the authorities, employees, or private persons, except the appointment of ministers, which is considered a personal act of the President of the Republic.

ART. 57. All the acts of the secretaries of state must be in consonance with this constitution and the laws, and said secretaries shall be held responsible for said acts even if they acted on the written order of the President, who by this fact shall also be held responsible.

ART. 58. All matters which do not belong exclusively to the departments of state shall be considered in council, and the responsibility thereby incurred shall fall upon the secretary or secretaries who countersign the resulting resolutions.

ART. 59. The secretaries of state are bound to give to the congress all oral or written information which may be requested of them.

ART. 60. Within the first eight days from the opening of the congress the secretaries of state shall submit the budget and the general account of the expenditures for the year past.

ART. 61. The secretaries of state have the right to take the floor in the congress and are bound to attend when called upon to give information.

TITLE 8.—*The judicial power.*

ART. 62. The judicial power is vested in the supreme court of justice and in the inferior courts and tribunals.

A latter law shall have power to create the court of appeals and to give to the supreme court powers of a court of cassation, when it shall be considered expedient.

SECTION 1.—*The supreme court.*

ART. 63. The supreme judicial power of the state is vested in the supreme court of justice, which shall be composed of one chief justice and four associate justices chosen by the congress and of one attorney-general appointed by the executive power, and each of the above shall have the following qualifications:

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1. Be a Dominican in the exercise of his rights.
2. Be over 30 years of age and be a lawyer admitted to practice in the tribunals of the Republic.

Naturalized foreigners may not be justices of the supreme court until six years after their naturalization.

ART. 64. The justices while in the exercise of their functions may not accept any appointment from the executive power.

ART. 65. The justices of the supreme court of justice shall serve four years, and may be reelected indefinitely. The law shall determine their diverse functions and those of the attorney-general.

In case of death, resignation, or disability of a justice of the supreme court, the one who succeeds him shall exercise the same functions until the end of the term for which his predecessor was appointed. This provision applies also to the judges of the inferior courts.

SECTION 2.—*Powers of the supreme court of justice.*

ART. 66. The supreme court of justice has the following powers:

1. To take cognizance of the civil and criminal actions brought against the diplomatic officials in the cases permitted by the law of nations.
2. To take cognizance of the cases of impeachment of the President and Vice-President and the secretaries of state when impeached according to the provisions of this constitution. If the suspension of the impeached functionary or functionaries is necessary, the court shall request the President of the Republic therefor and he shall grant it.
3. To take cognizance of cases of impeachment of diplomatic agents accredited to a foreign nation for malfeasance in office.
4. To take cognizance of criminal actions and cases of impeachment brought against delegates or commissioners, governors, and judges of the tribunals and courts of first instance of the provinces.
5. To settle controversies which may arise between the governors and judges of first instance over questions of jurisdiction and competency.
6. To decide, in case of conflict of laws, which one is to be observed.
7. To take cognizance of appeals from the tribunals and courts of first instance until the courts of appeals shall be created.
8. To take cognizance of cases of maritime prizes.
9. To take cognizance of, as a supreme military court, the appeals taken from the decisions of the military courts until the courts of appeals shall be created.
10. To take cognizance of causes contesting the administrative power during the recess of the congress.
11. To exercise all other powers determined by law.

TITLE 9.—*The inferior tribunals.*

ART. 67. For the proper administration of justice the territory shall be divided into judicial districts, which shall be subdivided into communes, the jurisdiction and number of which shall be determined by law. In the said districts tribunals and courts of first instance shall be established and the communes shall be governed by mayors.

The law shall determine the powers of these tribunals and courts, and also the judicial powers of the mayors; the law shall likewise determine the organization, jurisdiction, and powers of the councils of war.

The courts of first instance shall try cases of commercial character which occur within their respective jurisdiction, deciding them in conformity with the provisions of the commercial code.

ART. 68. To be a judge in the tribunals or inferior courts the following qualifications are required.

1. To be a Dominican in exercise of his rights.
2. To be over 25 years of age.

Foreigners may not be judges of the tribunals and courts of first instance until four years after their naturalization.

Judges of first instance shall serve for four years and may be reelected.

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TITLE 10.—*The municipal councils.*

ART. 69. For the economic government of the communes there shall be municipal councils in all the communes determined by law and they shall serve for two years. The respective primary assemblies shall elect the said councils and a law shall determine their functions.

ART. 70. The municipal councils shall vote annually the budget of their receipts and expenditures; and by law they have the right to regulate everything conducive to the general progress in their respective localities, provided they do not violate the laws decreed by the legislative power or the duly authorized decrees of the executive power.

ART. 71. The municipal councils are independent as regards the exercise of their ordinary administrative powers, and only are bound to render accounts of collection and disbursement of the public funds according to the law. The municipal councils may vote all classes of municipal taxes, the payment of which relates to the use or consumption of things within the limits of their communes. But the payment of these taxes shall be compulsory only when approved by the executive. When levying municipal taxes of a character not established in the law the councils must ask the approval of the congress through the secretary of the interior.

It is not to be understood that the municipal councils are independent in extraordinary cases, in which latter they shall always be governed by the laws.

TITLE 11.—*The government of the provinces.*

ART. 72. The government of each province shall be intrusted to a citizen, with the title of civil and military governor, dependent on the executive power, whose immediate agent he is, and with which he shall communicate through the secretaries of state, in the departments of the interior and police, and of war and navy.

ART. 73. The communes shall be governed by commune chiefs, who shall depend directly upon the governor of the respective province.

To be a governor it is required:

To be at least 30 years of age and to have the other qualifications required to be a deputy. The law shall fix the powers of these functionaries.

ART. 74. In everything affecting the order and security of the provinces and their political government all public functionaries residing therein, of whatever rank or title, shall be subservient to the governor.

TITLE 12.

SECTION 1.—*The primary assemblies.*

ART. 75. To be a voter in the primary assemblies, a person must be in full enjoyment of the civil and political rights and reside in the territory of the Republic.

ART. 76. The primary assemblies shall meet with full powers on the 1st day of November of the year preceding that in which the constitutional periods expire, and shall proceed at once to exercise the functions which the constitution and the laws have established. In those cases when they are convoked extraordinarily the primary assemblies shall meet thirty days at the latest after the date of the convocation.

ART. 77. The municipal councils shall publish, the first of October of each year in which the primary assemblies are to meet, a warning reminding the voters of the time of the meeting, and they, as an electoral body, shall receive the votes in accordance with the provisions of the electoral law.

ART. 78. The primary assemblies have the following powers:

1. To elect the number of electors corresponding to each commune, to form the electoral college of the province.

2. To elect the members of the respective municipal councils and the syndics thereof.

SECTION 2.—*The electoral colleges.*

ART. 79. The electoral colleges shall be made up of the electors chosen by the primary assemblies of the communes, and with the intention of increasing, by law, the number of said electors according to the increase in population, they are established for the present as follows:

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COMMUNES.

Province of Santo Domingo:	
Santo Domingo	35
San Cristóbal	10
San Carlos	6
Boyá	4
Baní	6
Monte Plata	4
La Victoria	4
Guerra	4
Bayaguana	4
Yamasá	4
Villa Duarte	2
Villa Mella	2
Palenque	2
	87
Province of Azua:	
Azua	25
San Juan	10
Las Matas	8
San José de Ocoa	5
Bánica	4
Cercado	4
Comendador	2
	58
Province of Barahona:	
Barahona	20
Neyba	10
Enriquillo	6
Duvergé	6
Cabral	2
	44
Province of the Seybo:	
Santa Cruz del Seybo	25
Higüey	16
Hato Mayor	10
Jovero	3
Ramón Santana	2
La Romana	2
	58
Province of San Pedro de Macorís:	
Macorís	20
Los Llanos	12
	32
Province of Samaná:	
Santa Bárbara de Samaná	25
Sabana la Mar	8
Sánchez	6
	39
Province of Puerto Plata:	
Puerto Plata	30
Altamira	12
Blanco	10
Bajabonico	2
	54
Province of Monte Cristi:	
Monte Cristi	25
Sabaneta	10
Guayubín	10
Dajabón	5
Monción	2
Restauración	4
	56
Province of Santiago:	
Santiago	35
Valverde	12
San José de las Matas	12
Jánico	9
Esperanza	2
Peña	2
	72
Province of Espaillat:	
Moca	22
Salcedo	6
	28
Province of La Vega:	
Concepción de la Vega	30
Cotuí	10
Jarabacoa	10
Bonao	8
Constanza	2
Cevicos	2
	62
Province of Pacificador:	
San Francisco de Macorís	20
Villa Rivas	8
Matanzas	6
Gaspar Hernández	2
Pimentel	2
Cabrera	2
Castillo	2
	42

The qualifications required to be an elector are:

1. To be at least 21 years old or be married.
2. To be in full enjoyment of the civil and political rights.
3. To have his domicile in the province in which the election is to be held.
4. To be able to read and write.

Electors shall serve for four years.

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ART. 80. The electoral colleges shall convene with full powers, in the capital of the province, the 27th of November of the year preceding that in which the constitutional periods expire, and shall proceed immediately to exercise the functions which the constitution and the law determine. In case they are convoked extraordinarily, they shall meet within thirty days after the date of the decree of convocation.

ART. 81. The powers of the electoral colleges are:

1. To elect the members of the Congress and their respective alternates.

2. To elect the President and Vice-President of the Republic according to the rules esttblished in article 39.

3. To fill the places left vacant by functionaries, whose election belongs to the electoral colleges, in the cases and according to the rules established by the constitution and the law.

4. To form separately the lists of the persons who in the respective provinces have the qualifications required to be justices of the supreme court of justice and judges of the inferior tribunals.

ART. 82. The electoral colleges shall have no correspondence whatever with each other, nor shall they exercise any power whatever unless an absolute majority of their members is present. They shall make their elections one by one and in permanent sessions.

SECTION 3.—*Regulations applicable both to the primary assemblies and the electoral colleges.*

ART. 83. All elections shall require an absolute majority of votes and be made by secret ballot.

ART. 84. Neither the primary assemblies nor the electoral colleges shall attend to any other business than the exercise of the functions ascribed to them by the constitution and the laws. They must adjourn as soon as they have finished their business, the duration of which shall be fixed by law.

TITLE 13.—*The armed force.*

ART. 85. The armed force is essentially obedient and in no case has deliberative power. The object of its creation is to protect the independence and liberty of the Republic, to preserve public order, and to maintain the constitution and the laws.

The Congress shall fix annually, upon the proposal of the executive, the permanent force on land and sea in time of peace.

In no case shall privileged bodies be created.

ART. 86.—The law shall establish the rules for recruiting and promotion in the army and navy.

In no case shall military positions other than those absolutely necessary be created, and no rank or employment shall be granted except to fill vacancies created by law.

There shall also be in the Republic a national militia, the organization and services of which shall be determined by law. The militia of each province shall be under the direct orders of the governor or of the functionary acting in his stead, and it shall not be mobilized except in the cases and in the manner provided by law. Ranks in the militia shall be elective and temporary.

ART. 87. Persons in military service shall be tried by courts-martial, in accordance with the rules established in the military penal code; but in all other cases, or when the persons accused include one or more civilians, the trial shall be before the regular courts.

TITLE 14.—*General provisions.*

ART. 88. No general impost shall be levied except by virtue of a law, nor shall any communal tax be levied except by the respective municipal council and according to law.

The funds which accrue from these imposts and all that form the income of the communes, are sacred and shall not be applied to other ends than those determined by law.

In case, under any circumstance whatever, the funds should be used unduly for other purposes, they shall be restored by the party who thus unlawfully used them and said party shall still be responsible before the law.

ART. 89. The issuing of paper money is forever prohibited.

ART. 90. No sum of money whatever shall be drawn from the public treasury for purposes other than those determined by law and according to the budget, which, after approval by the Congress, shall be published without fail every year. Nor shall national funds be deposited outside of the treasury.

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ART. 91. The proposed budget of each department shall be divided into chapters. No sum shall be transferred from one section to another nor shall any money be devoted to other ends than those specified, except by virtue of a law.

ART. 92. There shall be a permanent board of accounts, composed of five citizens appointed by the Congress for the purpose of examining the general and special accounts of the Republic, and to give to the Congress at the beginning of each session due report of the accounts of the preceding year.

The members of the board of accounts shall serve for four years and may not be imprisoned except upon previous impeachment before the Congress and, in its recess, before the supreme court of justice.

The law shall determine the powers of this board.

ART. 93. The formation of all kinds of perpetual mortgages, or annuities, religious obligations, restrictions of inheritance, and all kinds of entails is forbidden.

ART. 94. The 27th of February, anniversary of independence, and the 16th of August, anniversary of the restoration, are the only national holidays and each year shall be celebrated with the greatest ceremony in all the Republic.

ART. 95. The flag of the Republic shall be composed of the colors blue and red placed in opposite quarters, and shall be separated in the center by a white cross half as wide as either of the colors, and in the center it shall bear the coat of arms of the Republic.

The merchant flag shall be the same as the national flag without the coat of arms.

ART. 96. The coat of arms of the Republic consists of a cross at the base of which is the opened Book of Gospels, and both these rise up above a military insignia in which the symbol of Libe.ty appears encircled by a ribbon bearing the following motto, "Dios, patria y libertad."

ART. 97. All oaths must be taken in virtue of the constitution and the law and no official or public employee may enter into the exercise of his functions if he has not taken the oath before a competent authority.

ART. 98. The powers entrusted by this constitution with the power to declare war must not make such declaration without first having proposed arbitration by one or more friendly nations.

In order to reaffirm this principle, the following clause shall be introduced into all international treaties which the Republic makes: "All differences which may arise between the contracting parties shall be submitted to the arbitration of one or more friendly nations before appealing to arms."

ART. 99. All usurped authority is invalid and its acts are void. Every decision made through the interposition of the armed forces, or of a group of individuals in a rebellious attitude, is null and void.

ART. 100. All corporations and authorities are forbidden to exercise any function whatever which is not conferred upon them by the constitution and the laws.

ART. 101. All citizens shall have the right to accuse any public official or employee before their respective superiors or before the authorities which the law determines.

ART. 102. The employees of the Republic shall not accept gifts, offices, honors, or recompense from a foreign nation without permission of the Congress.

ART. 103. The law of nations forms part of the legislation of the Republic; consequently civil war may be terminated by means of treaties between the belligerents, recognized as such, who shall observe the humanitarian practices of civilized Christian people.

ART. 104. No one shall be compelled to do what the law does not command or be prevented from doing what the law does not prohibit.

TITLE 15.—*Amendment of the constitution.*

ART. 105. This constitution may be amended only upon a two-thirds vote of the deputies in the Congress, specifying the article or articles which need to be amended.

ART. 106. The necessity of the amendment having been declared, the Congress shall decree the summons for a constituent assembly for this purpose: The decree of convocation shall contain the decree declaring the proposed amendment.

ART. 107. The constituent assembly shall be elected in the same manner as the Congress, and shall have the same number of representatives enjoying the same immunities.

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ART. 108. Thirty days after their election the representatives shall meet in the place designated by the decree of convocation and shall organize as a constituent assembly, conforming to the regulations of the Congress and always exercising its powers entirely independent of the other constituted powers.

ART. 109. The constituent assembly shall consider and adopt or reject the amendment, as it judges it to be necessary or not, it being understood that this amendment shall not affect the form of government, which latter shall always be civil, republican, democratic, and representative.

ART. 110. No amendment of the constitution which increases the powers of any or many officials or the length of their term in office shall take effect until after the constitutional period following that in which the amendment was made.

TITLE 16.—*Temporary provisions.*

ART. 112. The present electoral colleges shall continue in exercise of their duties until the first of November, 1908, when the next general elections shall take place.

The present constitutional period shall end the 27th of February, 1908. From this date the ordinary periods shall be hereafter of four years, beginning and ending on the 27th of February. In special elections, no matter their date, the constitutional period shall be reckoned from the 27th of February nearest to the said election.

ART. 113. All present laws not contrary to this constitution shall continue in force until repealed by new ones.

ART. 114. This present constitution shall be promulgated by the Executive Power of the Republic.

Given in the city of Santo Domingo, capital of the Republic, on the 14th day of June, 1907; 64th year of Independence and 44th of the Restoration.

The President,

RAMÓN O. LOVATÓN,
Deputy for S. P. de Macoris.

The Vice-President,

M. DE J. VINAS,
Deputy for Espaillat.

The Secretaries,

JOAQUÍN E. SALAZAR,
Deputy for Barahona.
DARÍO MANÓN,
Deputy for Pacificador.
RAFAEL ALBURQUERQUE,
Deputy for San Pedro de Macoris.
ALFREDO MORALES,
Deputy for La Vega.
FCO. ESPAILLAT DE LA MOTA,
Deputy for La Vega.
M. SANABIA,
Deputy for Espaillat.
A. ACEVEDO,
Deputy for Santiago.
FEDERICO SERRA,
Deputy for Barahona.
J. MORALES BERNAL,
Deputy for El Seybo.
OCTAVIO BÉRAS,
Deputy for El Seybo.
DANIEL D. RAMÓN,
Deputy for Azua.
LOWENSKI MONZÓN,
Deputy for Azua.
M. DE J. AYBAR,
Deputy for Monte Cristi.
FLORENCIO SANTIAGO,
Deputy for Puerto Plata.
C. A. NOUEL,
Deputy for Puerto Plata.
J. D. ALFONSECA, H.,
Deputy for Santo Domingo.

Let this be published and enforced.

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Given in the national palace of Santo Domingo, capital of the Republic, on the 9th day of September, 1907; 64th year of Independence and 45th of the Restoration.

The President of the Republic,

R. CÁCERES.

Minister of the interior and police,

MANUEL LAMARCHE GARCÍA.

Minister of foreign relation,

E. TEJERA.

Minister of justice and public instruction,

AUG. FRANCO BIDÓ.

Minister of fomento and public works, in charge of the department of posts and telegraphs,

JUAN B. ALFONSECA C.

Minister of the treasury and commerce,

FEDCO. VELÁZQUEZ H.

Minister of the army and navy,

CARLOS GINEBRA.

[See also Foreign Relations, 1908.]

DOMINICAN TRADE-MARK LAW.

File No. 8226/1.

Minister McCreery to the Secretary of State.

No. 27.] AMERICAN LEGATION,
Santo Domingo, July 31, 1907.

SIR: I have the honor to inclose copy and translation of the trade-mark law passed by the Dominican Congress which adjourned last month.

Recently there have been many inquiries from the United States relative to the requirements of the Dominican trade-mark law.

It might be a convenience to the department, and it certainly would be to this legation and consulate-general, to have the law in printed form for distribution to American inquirers.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure.—Translation.]

DOMINICAN TRADE-MARK LAW.

ARTICLE 1. Any manufacturer or dealer has the right to distinguish his wares or products by means of special trade-marks.

ARTICLE 2. Trade-marks may be made up of anything not prohibited by this law and which may distinguish certain articles from others identical or similar but of different origin. Any name, signature or firm, letters or symbols may serve for this purpose only if used in a distinctive form. Trade-marks may be used on the articles themselves, or on the wrappings or packages which may contain them.

ARTICLE 3. With the object of guaranteeing the exclusive right of possession and the exclusive use of said trade-marks, it is indispensable that they be registered, deposited, and published in accordance with the terms of the present law.

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Registration requirements.

ARTICLE 4. In order to effect the registration it will be necessary that the person interested, or his legal representative, apply to the minister of improvements and public works, application being made on properly stamped paper and accompanied by two or more copies or facsimiles of the trade-mark, which must contain a detailed exposition of what constitutes the mark. The application should contain further a declaration of the kind of industry or business to which it is assigned for use, the vocation of the petitioner, and his place of residence.

ARTICLE 5. The chief clerk of the ministry of improvements and public works shall certify each one of the models or copies, the day and hour upon which they are received, and, in case of the registration being ordered, will deposit one of said copies in the archives of the ministry and will deliver one to the interested person, together with the certificate of registration duly numbered. There shall be published in the Gaceta Oficial the certificate of registration which shall contain the characteristic features of the trade-mark, copied from the declaration required by article 4.

ARTICLE 6. Registration shall be forbidden of such marks as contain: First, the coat of arms, medals, or insignia, either public, official, national, or foreign, except in the case of its due authorization previous to the passage of this law. Second, a name or firm that the petitioner may not use legally. Third, the indication of a determinate locality or establishment which is not that of the origin of the article, even though to such indication there be added or not a fictitious name or that of another. Fourth, words, pictures, or figures which involve offense to individuals or to public decorum. Fifth, the reproduction of any other mark already registered for an article of the same kind. Sixth, the entire or partial imitation of a mark already registered for a product of the same kind, which might lead the consumer into error or confusion. The possibility of error or confusion shall be considered as such whenever the differences between two marks can not be recognized without due examination or comparison, in which event it is to be subject to the decision of the minister of improvements and public works, assisted by the members of the council.

Disputes as to ownership—Making transfers.

ARTICLE 7. In the registration of trade-marks the following rules shall be observed: First, the precedence as regards the day and hour of presentation of the mark will establish the preference to be given to the petitioner as regards registration. In the case of the simultaneous presentation of one or more identical or similar marks, the one shall be admitted which shall have been used or possessed during the greater length of time, and this requisite lacking, none of said marks shall be registered until the parties concerned shall modify them. Second, in the case of any doubt existing as regards the use or possession in any way, the minister of improvements and public works shall ordain that the parties interested adjust the question before the commercial court, and then he shall proceed to effect the registration in conformity with the judgment pronounced.

ARTICLE 8. The registration of a mark shall be valid for all goods for twenty years, at the termination of which it may be renewed, and so on successively. The registration shall be considered null and void should the owner of the registered mark make no use of it within a period of one year.

ARTICLE 9. The mark can only be transferred with the industry of the product or the business for which it was adopted, due annotation being made in the registration, in consideration of authentic documents. A like annotation shall be made if, once the firms changed, the trade-mark should still exist. In both cases the publication of the same shall be necessary.

Fines for breaking the law.

ARTICLE 10. A fine of $100 gold, to be turned into the treasury, shall be imposed upon: First, anyone who uses the legal mark of another person. Second, anyone who reproduces, in its entirety or in part, in any way whatsoever, and without the consent of the owner or of his legal representative, any registered and published trade-mark. Third, anyone who imitates a trade-mark in such a way as to deceive the consumer. Fourth, anyone who uses such imitated mark. Fifth, anyone who sells or offers for sale articles which display

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an imitated trade-mark, provided that he can not justify the manner of its derivation. Sixth, anyone who makes use in his products of a commercial name or that of a firm which does not belong to him, whether it constitutes or not a part of a registered mark. To determine such imitation as is alluded to in numbers 4 to 7, inclusive, of this article, it is not necessary that the similarity of the mark be complete; it will be sufficient that there be a possibility of error or confusion, in accordance with the exposition of number 6 of article 8. Usurpation of a commercial name or that of a firm, treated in number 7 of the present article, will be considered as existing whether the reproduction be complete or whether there be omissions, additions, or alterations, provided that there exist the same possibility of error or confusion on the part of the consumer.

Smaller fine for minor offenses.

ARTICLE 11. A fine of $50 gold, to be turned into the treasury, shall be imposed upon: First, anyone who, without due authorization, shall use on a trade-mark the coat of arms, genealogical insignia or insignia of a public or official, national or foreign character; second, anyone who shall use trade-marks which offend public decorum; third, anyone who shall use a trade-mark with indications of a locality or establishment not that of the place whence comes the merchandise or product, whether to this indication is united or not the name of another or a fictitious one; fourth, anyone who sells or offers for sale any article of merchandise or product which may bear marks such as indicated in numbers 1, 2, and 3 of this article, provided he can not justify the manner of its derivation; fifth, anyone who shall use a trade-mark containing anything personally offensive or anyone who sells or offers for sale articles which display such marks.

ARTICLE 12. Judicial action as a result of the offenses mentioned in the preceding article shall be started by the fiscal attorney of the district where products are found displaying aforesaid trade-marks. The owner of the establishment falsely reproduced, as well as any dealer or manufacturer engaged in the same business, shall possess the right to register a complaint against the infractors mentioned in number 3 of article 11.

ARTICLE 13. Recurrence of the offense will be punished by the doubling of the fine. A recurrence of the offense shall be said to exist when, after due warning, there shall be judgment pronounced against the offender within a following period of five years for a crime set forth in the present law.

ARTICLE 14. The above-mentioned fines do not exempt delinquents from the payment of damages and injuries to which the suit for claims instituted by the interested parties may give rise.

Rights of trade-mark owners.

ARTICLE 15. The person interested may demand: First, that there be instituted an investigation or examination to determine the existence of falsified or imitated trade-marks or of merchandise which bear such marks; second, the seizure or destruction of the falsified or imitated marks in the shops where they are manufactured or wherever they are found before being put into use; third, the seizure and deposit of merchandise or products which bear marks similar to those denominated under numbers 1, 2, 3, 4, 5, and 6 of article 6.

ARTICLE 16. Seized articles shall serve as a guaranty of the payment of the fine and the indemnification due the interested party, and to that end, after the destruction of their trade-marks, they shall be sold at public auction during the hearing or lawsuit if they are liable to damage or deterioration, or, otherwise, during the execution of the law, an exception being made of those products which are harmful to public health, in which case they shall be destroyed.

ARTICLE 17. The seizure or attachment of falsified products which display a false trade-mark or a legitimate one used fraudulently shall constitute the basis for the lawsuit.

ARTICLE 18. Attachment or seizure shall be brought about upon the requisition: First, of the party most concerned; second, of the fiscal attorney of the district where the falsified merchandise or products are found; third, of the tax collectors, provided that falsified articles are found in the establishments visited by them; and by any authority who, upon search, shall find falsified trade-marks or articles.

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Court procedure.

ARTICLE 19. When the seizure is brought about by the accusation of some authority, the owners of the trade-marks or their representatives shall be notified to the end that they may begin action against the guilty parties, a period of thirty days being granted them for this purpose, under pain of the annulment of the seizure in favor of the complainant.

ARTICLE 20. The appropriate court for the hearings or the lawsuits referred to by this law is that of the place of residence of the plaintiff or that of the place where the merchandise showing falsified or imitated marks or a legitimate mark used illegally are found.

ARTICLE 21. Foreigners and natives whose establishments are located outside of the Republic may enjoy the benefits of this law, if it be permitted by reciprocal diplomatic agreements celebrated between the Dominican Government and that of the place of the establishments.

ARTICLE 22. The guaranties and obligations contained in this law shall be applicable to trade-marks registered previous to it.

ARTICLE 23. This law annuls that part of any other which may be contrary to it.

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ECUADOR.

ELECTION OF GEN. ELOY ALFARO AS PRESIDENT OF ECUADOR.

File No. 3010/3.

Chargé Lee to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, January 4, 1907.

His Excellency Gen. Eloy Alfaro elected President of Ecuador for four years. Took oath of office January 1 before Congress, diplomatic corps, and officials.

LEE.

File No. 3010/4.

The Secretary of State to Minister Fox.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 4, 1907.

(Mr. Root instructs Mr. Fox to convey the President's congratulations and good wishes to General Alfaro.)

File No. 3010/4.

The Ecuadorean Minister to the Secretary of State.

[Translation.]

LEGATION OF ECUADOR,
Washington, January 4, 1906.

MR. SECRETARY: Agreeably to our conference of yesterday, I take pleasure in advising you that I have received a cablegram from the most excellent minister of foreign relations of Ecuador by which I am informed that the inauguration of the most excellent Gen. Don Eloy Alfaro as constitutional President of the Republic took place on the 1st instant.

As I had the pleasure of telling your excellency the Government presided over by the most excellent General Alfaro will continue, as during the first administration of that mandatory, to give evidence of its earnest efforts toward drawing close the most cordial political and commercial relations with the United States of America.

Be pleased, etc.,

L. F. CARBO.

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File No. 3010/4.

The Acting Secretary of State to the Ecuadorean Minister.

No. 20.] DEPARTMENT OF STATE,
Washington, January 10, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, by which you communicate to the department the gratifying intelligence that Gen. Eloy Alfaro was inaugurated as constitutional President of Ecuador on the 1st of the same month, and have read with pleasure your assurance that the government of General Alfaro will continue to cultivate the cordial relations now existing with the United States.

The American minister at Quito was on the 4th instant instructed by telegraph to convey to General Alfaro the President's congratulations and good wishes.

Accept, etc.,

ROBERT BACON.

File No. 3010/11.

Chargé Lee to the Secretary of State.

No. 62.] AMERICAN LEGATION,
Quito, January 10, 1907.

SIR: I have the honor to confirm the following telegram dated January 3, 1907,[a] and to acknowledge receipt of the department's telegram of January 4.[a]

Upon receipt of the department's telegram, I notified the foreign office and also requested an interview with His Excellency, when I personally presented to him the good wishes and congratulations of the President. His Excellency was much gratified and pleased.

I have, etc.,

JOSEPH W. J. LEE.

File No. 3010/12.

The Ecuadorean Minister to the Secretary of State.

[Translation.]

LEGATION OF ECUADOR,
Washington, March 9, 1907.

MR. SECRETARY: The minister of foreign relations of Ecuador writes me in a note of the 4th of February last as follows:

President Alfaro had the satisfaction of receiving the courteous greeting of congratulation addressed to him, through the most excellent Mr. Lee, by President Roosevelt on the occasion of his elevation to the chief magistracy. The Government for its part will take special interest in responding to the friendly sentiments of the President of your enlightened Republic and in maintaining the cordial ties which happily bind the two Governments and people.

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[a] Supra.

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I am glad to transmit the foregoing to your excellency, to the end that you may be pleased to convey to the most excellent President Roosevelt the high appreciation in which his courtesy is held by President Alfaro.

I renew, etc., L. F. CARBO.

ARBITRATION OF THE DIFFICULTY BETWEEN THE ECUADOREAN GOVERNMENT AND THE GUAYAQUIL AND QUITO RAILWAY COMPANY, AN AMERICAN CORPORATION.

File No. 2540/8.

Minister Fox to the Secretary of State.

[Extract.]

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, June 13, 1907.

(Mr. Fox informs Mr. Root, referring to previous correspondence[a] eight, twelve, and also fifteen, that the railway crisis is reached, and that revolution is imminent owing to the railway problem. He also states that the American investments are reported as being in danger, the people insisting on confiscation. He further states that the railway company urges arbitration of her contract. He asks for instructions.)

File No. 2540/8.

The Secretary of State to Minister Fox.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 15, 1907.

(Mr. Root informs Mr. Fox that this department understands from his dispatches and otherwise that the Government of Ecuador contemplates taking possession of the Guayaquil and Ecuador Railway on the ground that it has not been finished within time limited by contract between that Government and Archer Harmon, dated June 14, 1897, and the supplementary contract dated November 26, 1898, without making allowance for the extensions of time to which the railway company is entitled because of the delays caused by domestic war, rebellion, natural catastrophes, and epidemics under the sixteenth article of the contract, and notwithstanding the fact that the railroad is nearly completed and can be completed within a few months. Mr. Root also states that this has been characterized by Mr. Fox as confiscation, which certainly has that appearance, and he has inferred from Mr. Fox's dispatch that President Alfaro and Mr. Carbo take the same view.

Mr. Root instructs Mr. Fox to take the following steps:

First. Say to Mr. Carbo that I deeply regret the injury to the credit and good name of Ecuador done by the mere agitation of this contemplated confiscation, and I sincerely hope that it will go no further. It appears to me inconsistent not only with the interests, but the honor of Ecuador.

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[a] Not printed.

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Second. Lodge a formal protest with the Government of Ecuador against the proposed spoliation of the property and rights of American citizens.

Third. Give formal notice to the Government of Ecuador that the President of the United States is ready to name an arbiter to act with another arbiter or arbiters in settling by arbitration all controversies or disagreements arising under the said contracts between the contracting parties, pursuant to the twenty-seventh article of the contract, and request that the President of Ecuador name an arbiter pursuant to that article.)

File No. 2540/29–31.

Minister Fox to the Secretary of State.

[Extract.]

No. 51.] AMERICAN LEGATION,
Quito, June 18, 1907.

SIR: I have the honor to confirm my telegram of June 13, 1907, as follows:[a]

In reply to the above I received the following telegram from the department, as follows:[a]

I have the honor to inform the department that I took the first opportunity to comply with the above instructions, and on Monday, June 17, called on Mr. Carbo and personally left my note of June 17, copy of which I inclose.

The note of the minister of foreign relations in reply to mine, received yesterday evening, is herewith inclosed.

In consequence of this note I to-day sent the following telegram to the department:[b]

It remains for me to say only that never for a moment was the good faith of the Ecuadorean Administration doubted, but the fear did obtain that extraneous circumstances would force action detrimental to the interest of American citizens. The representative of these interests waited until the last moment, and then only appealed to this legation.

I am confident that the firm position taken by the department has strengthened the hand of the Ecuadorean Government.

I have, etc.,

WILLIAMS C. FOX.

[Inclosure 1.]

Minister Fox to the Minister for Foreign Affairs.

No. 13.] AMERICAN LEGATION,
Quito, June 17, 1907.

MR. MINISTER: I have the honor to inform your excellency that in view of the published facts with regard to the proposed action concerning the taking possession of the Guayaquil and Quito Railway by the Government of Ecuador, I am instructed by my Government to lodge with your excellency a formal protest against the proposed spoliation of the property and property rights of American citizens.

I am further instructed to give formal notification to your excellency's Government that the President of the United States, pursuant to article 27 of the

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[a] Supra.

[b] Received June 19. See p. 388.

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contract between the Government of Ecuador and Mr. Archer Harman, is ready to at once name an arbiter in settling by arbitration all controversy or disagreements arising under said contract.

I am charged to express the sincere hope that his excellency the President of Ecuador will also name an arbiter pursuant to the above-mentioned article of the contract aforesaid. In view of the vital importance of the interests involved, the fact that the steps already taken by the Government of Ecuador have caused serious concern to these interests, it is therefore confidently hoped that this action may be taken promptly to the end that all difficulties, disagreements, and misunderstandings may be speedily adjusted not only to the mutual advantage of the contracting parties, but at the same time to allay all uneasiness and distrust on the part of American citizens who have shown great confidence in Ecuador in investing in her securities.

Fully convinced as I am of the high and honorable intentions of your excellency's Government, I deign to hope that the manner of settlement, as pointed out, of the vexed question, will appeal so strongly to your excellency that I may be able to so communicate to my Government.

I take, etc.,

WILLIAMS C. FOX.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Minister Fox.

No. 69.] REPUBLIC OF ECUADOR, MINISTRY OF FOREIGN RELATIONS.
Quito, June 18, 1907.

MR. MINISTER: Replying to your official note of the 17th instant, in which your excellency states that in view of the facts published in regard to the Government of Ecuador intending to take possession of the Trans-Andean Railroad, and that your excellency has received instructions from Washington to present a formal protest against the proposed spoliation of the property and property rights of American citizens. Your excellency also advises me that you have received instructions to notify me formally that His Excellency the President of the United States, in accordance with the contract between the railway company and the Government of Ecuador, is ready to appoint the arbiter to arrange the controversy and differences that may arise, and that your excellency trusts that the Government of Ecuador will also appoint an arbiter, in order to form the tribunal which will solve the difficulties between the parties, which not only will be of mutual advantage but will overcome the lack of confidence which may arise in American citizens who have invested capital in Ecuador.

Your excellency assures me that you are fully convinced of the honorable intention of my Government, and you hope that arbitration will be the means of settling all differences.

It is to be regretted, Mr. Minister, that the Government of the United States has not had time to receive the necessary and complete information which surely your excellency will send concerning the matter. As soon as the proceeding of the Government of Ecuador is known I am sure the protest will be withdrawn, because it will be proven that there is no cause for it, as there is no reason to charge this nation with intention to ignore the law in regard to the railway company, which is constructing a railroad with the proceeds derived from the sale of bonds guaranteed by the Government, the interest of which together with the sinking fund has reached to-day 10,000,000 sucres, without including the earnings of the road which the company has retained.

Notwithstanding the unlimited freedom of the press, there has not been, as far as I know, any occasion in which it has been mentioned that the railway company should be despoiled, nor insinuated that the right of arbitration be denied, and in case this was stated, there is no ground to believe that a government knowing its duties would accept it.

Two days before receiving the note of your excellency the fiscal officer had asked before the proper judge that a board of arbitration be called, so that the protest of your excellency was presented when the country had already given a clear proof of honest proceedings.

Although this is not the occasion for making a complete and reasonable defense of the rights and interests of this nation as shall be presented to the arbiters, your excellency will allow me to state that during the ten years the

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American company has been constructing the railway there has never been occasion to appeal to its minister in complaint of the Government of Ecuador, as can be shown by referring to the archives of your legation and to the Department of State in Washington. The notorious circumstance that the press of Ecuador has always criticized the Government for giving excessive support to the railway company will convince your excellency that the interests of the Americans are most secure, which will be seen among other cases of continued and decided protection. The fact that while the railroad is only near Latacunga, the railway company has already received bonds for the value of the whole line, when it should only have received the proportion corresponding to the miles constructed. This liberality of the Government had the object of aiding the company in continuing the work so that the line might be completed before the 14th of June of this year, as was promised. In view of these frank and plain statements, which your excellency can easily ascertain, I beg of you to express to the Government of the United States that much less than deserving a protest which is without ground the Government of Ecuador is entitled to the respect and consideration which it has always tried to merit, and more specially in its international relations.

The good and uninterrupted relations which have existed between the two Governments should prevail to-day as the best means to secure the triumph of justice, which will insure to all the enjoyment of their rights without appeal to violence, which modern civilization has proscribed.

My Government congratulates itself that His Excellency President Roosevelt, whose high standard of justice I take pleasure in acknowledging, is ready to appoint an American arbiter, designation of which I hope will be made as soon as he finds it convenient, accompanied by the assurance that His Excellency President Alfaro will immediately appoint the Ecuadorean arbiter, in order that the board may meet in Quito and solve the questions arising on account of the railway company not having been able to finish the road on the 14th of this month.

Furthermore, I have the confidence that your excellency, knowing the serious and honest intentions of the Government of Ecuador, will please, in your high diplomatic position, and with impartiality and straightforwardness, as is characteristic of an American minister, inform the Government of the United States with regard to the true situation in respect to the affairs of the railway company, convinced as your excellency must be that between friendly countries, understanding their rights, everything is easily settled.

Admirer as I am of the high policy of the Department of State at Washington, and sure that your excellency will know how to interpret it with your usual tact, I have, etc.,

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File No. 2540/13.

Minister Fox to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, June 19, 1907.

(Mr. Fox informs the department that the Government of Ecuador has expressed a hope that the President of the United States will promptly name arbiter in the railway question. He states that the President of Ecuador will do likewise.)

File No. 2540/15.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 22, 1907.

Carlos A. Aguirre appointed arbitrator railway question; awaiting designation by President.

Fox.

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File No. 2540/16.

Minister Fox to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, June 29, 1907.

(Mr. Fox states that at an interview to-day, had at the request of the minister for foreign affairs, he was informed that Aguirre had declined to serve as arbiter, and that Cesar Borja had been appointed and had accepted. Mr. Fox also states that the minister expressed a wish that the President of the United States name arbiter. Mr. Fox adds that the situation has been improved by the position assumed by the department, and that, in his judgment, prompt action should be taken.)

File No. 2540/16.

The Acting Secretary of State to Minister Fox.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 2, 1907.

(Mr. Bacon informs Mr. Fox that in reference to the Guayaquil and Quito Railway Company case the President will be pleased to comply with the wishes of the minister of foreign affairs and will appoint an arbiter at an early date.)

File No. 2540/23.

The Acting Secretary of State to Minister Fox.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 11, 1907.

(Mr. Bacon informs Mr. Fox that the President has designated him as arbitrator in the Guayaquil and Quito Railway case, and that the formal certificate of designation will follow.)

File No. 2540/33.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, July 13, 1907.

Minister foreign affairs requests me wire department that Government and people Ecuador well satisfied action President naming arbiter; newspaper comments friendly.

Fox.

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File No. 2540/87–89.

Minister Fox to the Secretary of State.

No. 121.] AMERICAN LEGATION,
Quito, October 7, 1907.

SIR: I have the honor to inform the department that the arbitration tribunal with regard to the controversy between the Government of Ecuador and the Guayaquil and Quito Railway Company was installed on Saturday, October 5, at 4 p. m. Upon official invitation extended to Dr. Cesar Borja, the arbitrator appointed by the President of Ecuador, and myself, we both met at the office of the minister for foreign relations in this capital and there presented our credentials, which were found to be in due form.

Minutes of the meeting were prepared and signed by Luis Felipe Carbo, minister for foreign relations; Cesar Borja, arbitrator on the part of Ecuador; Williams C. Fox, arbitrator on the part of the United States; and L. E. Bueno, undersecretary of state for foreign relations, who will act temporarily as secretary of the tribunal until such an official has been selected.

I am forwarding under separate cover a joint communication [a] to the honorable Secretary of State signed by Doctor Borja and myself. A similar communication has been sent to the minister for foreign relations of Ecuador.

Under arrangement, agreed upon, the Guayaquil and Quito Railway Company will be formally advised of the organization of the tribunal through the minister of public works of Ecuador.

I have, etc.,

WILLIAMS C. FOX.

[Inclosure 1.—Translation.]

[From El Tiempo, October 7, 1907.]

ARBITRATION TRIBUNAL.

By the minutes, which we publish below, our readers will learn that the tribunal of arbitration which is to settle the controversies between the Government and the South Railway Company is already in the full exercise of its functions.

The tribunal is formed on the part of the United States by its minister plenipotentiary in Ecuador, his excellency Williams C. Fox, esq., an eminent citizen who has rendered important services to his country, who has attended as its representative the international congresses held at Mexico and Rio Janeiro, and who has long been chief of the International Bureau of American Republics.

His spirit tuned to the strictest principles of justice and the conscientious study he has made of the matters now submitted to his judgment are the surest pledge that his decision will be given in perfect justice to the rights of each of the contending parties. And respecting Doctor Borja, the arbitrator on the part of the Ecuadorian nation, what can we say that has not already been said to strengthen the confidence which all of us Ecuadorians repose in him?

Superior intelligence, undoubted patriotism, right judgment, firmness of character are qualities which heighten the personality of our compatriot, and which he will have to employ in the delicate and honorable charge the nation has committed to him.

For that reason we may rest tranquil in the assurance that his present labors will fully satisfy our aspirations and those of the Government that to-day rules the destinies of the country.

Let us wait.

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[a] Not printed.

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[Inclosure 2.]

ARBITRATION TRIBUNAL—OPENING MINUTES.

In Quito, the capital of the Republic, and in the Department of State, on the 5th day of October of the year 1907, with the object of proceeding to organize the arbitration tribunal, which, according to article 27 of the contract made between the Government of Ecuador and the Guayaquil and Quito Railway Company, must settle the controversies or disagreements between the two contracting parties, there met together Their Excellencies Williams C. Fox, esq., envoy extraordinary and minister plenipotentiary of the United States of North America, arbitrator on the part of the Government of that nation, and César Borja, arbitrator by that of Ecuador. Received by the minister for foreign affairs, the appointments and full powers of the arbitrators duly presented and found in due order, the arbitration tribunal was solemnly declared open. In sign of which the present minutes are signed by the minister of state, the arbitrators, and the undersecretary for foreign affairs.

(Signed) L. F. CARBO.
(Signed) CÉSAR BORJA.
(Signed) WILLIAMS C. FOX.
(Signed) L. E. BUENO.

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FRANCE.

CLAIM OF MESSRS. LAURENT & LAMBERT V. THE UNITED STATES FOR LOSSES SUSTAINED DURING THE SPANISH-AMERICAN WAR.

LIABILITY OF A GOVERNMENT FOR THE INDIVIDUAL ACTS OF ITS SOLDIERS.

File No. 174.

The French Ambassador to the Secretary of State.

THE FRENCH EMBASSY,
Washington, May 18, 1906.

MR. SECRETARY OF STATE: By letter dated May 25, 1905,[a] the Department of State had asked me to furnish certain additional evidence bearing on the claim of Messrs. Laurent & Lambert for losses sustained by them through acts of the federal troops during the Spanish-American war.

The minister of France at Habana, to whom I transmitted your request, has sent me the documents of which I have the honor to append copies hereto.[a]

These documents are the following:

First. An affidavit sworn to before the consul of France at Santiago by three witnesses, from which it appears that about the end of July, 1898, the American troops had established their camp on Messrs. Laurent & Lambert's "finca" and that at that time the houses and buildings that stood there were gradually torn down, gutted, and finally razed to the ground.

Second. A letter of the said Messrs. Laurent & Lambert, accompanied by a summons to appear before the board of the "Junta investigadora del ejercito, de reclamaciones."

This summons, dated April 15, 1899, was followed by an investigation conducted by Lieut. George R. Armstrong on the spot where he ascertained the facts on which the claim is based.

Third. The original of the inventory of the San Pedro finca deposited at the French consulate at Santiago on November 6, 1895.

It had been taken for granted that the archives of the board of the junta investigadora were filed in the War Department at Washington, seeing that the military authorities had taken charge of the case, as shown by the above-mentioned summons, and that the said authorities were in consequence both the authors and custodians of the record, and this was the reason why the interested parties had not deemed it necessary to produce the additional proof and evidence furnished by the inclosed documents.

[a] Not printed.

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I should be thankful to your excellency if you would kindly, in the present state of things, again bespeak for my countrymen's claim the equitable examination of the Secretary of War, at whose disposal I hold the originals of the documents, copies of which I have the honor to inclose in this letter.

Be pleased, etc., JUSSERAND.

File No. 174/1–3.

The Secretary of State to the French Ambassador.

No. 390.] DEPARTMENT OF STATE,
Washington, May 18, 1907.

EXCELLENCY: Referring to your note of the 18th of May, 1906, and the department's reply thereto, I have the honor to say that the department has just received the additional report of the War Department upon the claims of Laurent and Joseph Lambert, together with the report and opinion of the Judge-Advocate-General of the Army, a copy of which is inclosed herewith.

The facts are set forth in considerable detail. The authorities of the War Department, as will be seen, have not been able to satisfy themselves that the losses which the claimants sustained were caused by American troops, but even if such were the case, the Judge-Advocate-General of the Army is of the opinion that the acts could only be considered as those of soldiers in their personal capacity, to which no responsibility attaches on the part of their Government.

Accept, etc.,

ELIHU ROOT.

[Inclosure.]

File No. 174/4.

Report and Opinion of the Judge-Advocate-General.

WAR DEPARTMENT,
Washington, April 25, 1907.

Respectfully returned to the Adjutant-General.

The honorable the Acting Secretary of State incloses to the honorable the Secretary of War certain papers relating to the claim of Messrs. Laurent and Joseph Lambert for compensation for damage done to their property situated in the neighborhood of Santiago de Cuba, by the American Army, and asks that in view of the papers submitted a further investigation of the case be had.

The claimants would appear to be French citizens, and the papers in the case are transmitted to the Department of State by the French ambassador.

The papers undertake to show, in the form of affidavits, the following facts:

The claimants owned a "finca" (country estate) on which was situated a house with a French tile roof, another with a tin roof, and a third with a thatch roof. About the end of July, 1898, American troops pitched their tents on the "finca," and the buildings were observed to be gradually demolished and gutted and finally to have disappeared.

Upon the destruction of the property the owners, now the claimants, advised the French consul at Santiago and requested him to file a claim with the American authorities. This led to the claimants being summoned to appear before a board of officers on April 15, 1899. On their appearing before the board, Lieut. George R. Armstrong, Fifth Infantry, was delegated to investigate on the spot, and was accompanied by the claimants to the estate, where Lieutenant Armstrong was enabled to verify the facts on which this claim rests.

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His excellency the French ambassador states in his letter to the honorable the Secretary of State that the above data are submitted in answer to the request made by the Department of State on May 25, 1905, that additional evidence in the case be furnished. It will be observed that what has been furnished is not evidence bearing on the facts to be determined. It will probably not be denied that the claimants were the owners of the "finca" San Pedro; that there were three houses on the estate of a total value of $1,750; and that the claimants advanced a claim for compensation due to the alleged desruction of the property.

In an earlier report made on this case by the office of The Military Secretary, it appears to have been said that the report of the board of officers showed that the claimants were repeatedly cited to appear before the board and prosecute their claim, but failed to do so.

The present presentation of this case has been referred to various officers who might be supposed to have a knowledge of the facts, with the following results:

Lieut. George R. Armstrong states that he was directed to get some data for a board of claims; that he obtained the data and made report to the local adjutant-general, but not to the board, as the latter never reconvened. He further states in detail that in May, 1900, he made an official examination of the San Pedro estate, accompanied by disinterested persons, with a view to furnishing testimony to a board of claims of which Maj. George K. McGunnegle was president. Yellow fever prevented a reconvening of the board and the testimony of Lieutenant Armstrong was never taken. A report was made to the adjutant-general (at Santiago), but Lieutenant Armstrong was directed to retain it with a view to presenting it to the board of claims. The facts, as ascertained by Lieutenant Armstrong, were in substance as follows:

The claimants owned two houses and an outhouse, of which they filed an inventory with the French consul in 1895, placing a valuation of $1,750 upon them. The claim for the loss of the said houses made to the military authorities at Santiago amounted to $2,000. An examination of the site showed but little left of the houses, even the French tiling of the roof being gone. There was nothing to show that American troops had destroyed the property. None of the witnesses knew just what troops had been camped on the estate; inquiry from other sources, however, would appear to show that certain troops of General Chaffee's brigade (the Seventeenth Infantry) had been encamped there.

Lieutenant Armstrong caused the property to be valued by "safe, reputable citizens," who were well acquainted with its character and construction, and the valuation so obtained ranged from $700 to $1,400. Members of the board of claims were individually of the opinion that the loss sustained by the Messrs. Laurent & Lambert amounted to $900, but that there was insufficient evidence to attach the blame for the loss to American troops. Lieutenant Armstrong further traverses the statements of the claimants in so far as they concern himself, in regard to the summons of April 15, 1899, of which he knew nothing, as to his finding the facts as alleged or being accompanied to San Pedro by one of the claimants.

It has been impossible to locate Mr. Louis A. Sholars, late first lieutenant Company A, Second U. S. Volunteers, who is believed to be the person who is alleged to have signed the summons of April 15, 1899.

Col. George K. McGunnegle, First Infantry, has no recollection of the case.

Capt. S. M. Hackney, Twenty-first Infantry, states that he was recorder of a board of claims convened at Santiago de Cuba early in 1900. Colonel McGunnegle and Lieutenant-Colonel Dunn, judge-advocate, were the other members of the board. Captain Hackney does not remember this specific case, among the many presented to the board, but states that in nearly all the cases investigated it was found that the damage was done by Spanish troops prior to the American occupation. Captain Hackney left Cuba in July, 1900, and turned the records and unfinished cases over to Lieutenant-Colonel Dunn, judge-advocate.

Lieutenant-Colonel Dunn, judge-advocate, states that he has no recollection of this case. In May, 1900, the time at which Lieutenant Armstrong appears to have made his investigation, Lieutenant-Colonel Dunn believes he was not in Santiago, having left that city, he thinks, in the latter part of April for the United States. All the records of the board of which he was a member he turned over to the adjutant-general of the department before he left. Any private memoranda he may have had were burned in the San Francisco fire.

From the foregoing it seems clear that no additional information can now be obtained by the War Department which will shed light on the case.

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It is well settled that for the wanton or wrongful acts of soldiers in their person character the Government can not be held responsible; in the absence, therefore, of evidence that the houses belonging to the claimants were destroyed by proper authority under circumstances which would warrant payment by the department, it is not seen how any but an unfavorable report can be made in this case.

GEORGE B. DAVIS, *Judge-Advocate-General.*

File No. 174/4.

The French Ambassador to the Secretary of State.

[Translation.]

THE FRENCH EMBASSY,
Washington, June 20, 1907.

MR. SECRETARY OF STATE: By a letter dated the 18th of last month your excellency informed me that the Government of the United States did not believe that any indemnity could be granted to Messrs. Laurent & Lambert for losses sustained by them in Cuba during the war between the United States and Spain. Thus have the claims presented by French citizens been all rejected; one only, of no great consequence, is still under examination by the Federal Government.

It appears from the information gathered by the American military authorities and communicated to me by your excellency that Messrs. Laurent & Lambert did own built property which was actually destroyed and that certain troops of the Chaffee brigade did occupy the premises.

It is said, however, that there has not been produced sufficient evidence to show that those troops may be charged with destroying the property and that, furthermore, if the said soldiers did commit such depredations it must have been in their "personal capacity."

I can but say again that I produced a declaration, the original of which is at your excellency's disposal, signed by three reputable witnesses who certify they saw American soldiers commit the destruction in question about the end of July, 1898. No mention is made of this testimony in the Federal Government's reply.

As for the proposition that the soldiers against whom these facts are charged acted "in their personal capacity," I look upon it as one difficult to accept, and if it were maintained I could but draw my Government's attention to it as establishing a precedent which should eventually be invoked, under similar circumstances, against the authorities who had availed themselves of it. I can not bring myself to believe that your excellency can consider this a logical and equitable distinction, with the consequence it would naturally involve, viz, that dispossessed parties would be justified in forcibly resisting soldiers of the United States indulging in such operations. It might happen, in such cases, that buildings be really torn down by order; by what token could the interested parties know that the exigencies of defense demanded such acts or that, on the contrary, the soldiers were acting spontaneously, in their private capacity, and that the owners would consequently be justified in using force for the protection of their property from members of the Regular Army who, while wearing the national uniform and commanded by officers of the United States, should be dealt with as maurauders?

Be pleased, etc.,

JUSSERAND.

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File No. 174/4.

The Acting Secretary of State to the French Chargé.

No. 462.] DEPARTMENT OF STATE,
Washington, October 4, 1907.

SIR: I have the honor to acknowledge the receipt of the ambassador's note of the 20th of June last in further relation to the claim of the Messrs. Laurent & Lambert on account of losses sustained by them in Cuba during the war between the United States and Spain.

In adverting to the department's note No. 390, of May 18 last, his excellency points out his objections to accepting the principle involved in the opinion, to which the department's note has reference, of the Judge-Advocate-General of the Army regarding the case in question.

His excellency's representations have been given careful consideration, and I have the honor to inclose herewith, in reply, a memorandum prepared by the legal officer of the department.

Accept, etc., ROBERT BACON.

[Inclosure.]

MEMORANDUM BY THE SOLICITOR.

The principle that a government is not responsible for acts of private soldiers committed in their personal capacity is one which is almost universally sustained by the judgments of international claims commissions from a period even antedating the civil war.

Judge Magoon, the law officer of the War Department, in his report upon claims made against the United States by reason of military operations, encampment of troops, conduct of soldiers, etc., in Porto Rico, Cuba, and the Philippines, during our recent war with Spain, says:

"Some of these claims are based on the unauthorized action of individual soldiers; acting, not in the performance of orders, but in violation of the military code, the instructions to the armies of the United States in the field, the law and usages of war, and international law. For injuries of this character no legal responsibility would attach to the Government.

"The United States is not responsible for unlawful acts of soldiers or employees, and the Secretary of War is not empowered to allow a claim for personal property stolen or illegally appropriated by a soldier. (J. A. G. Op., p. 260, sec. 16, id., p. 248; Moore's International Arbitrations, p. 2975.)

"The remedy in such cases is by civil suit against the offender and by prosecution under the criminal laws. (Moore's International Arbitrations, Digest, vol. 3, p. 343.)"

In numerous cases before the United States and Mexican Claims Commission of 1871 Sir Edward Thornton, as umpire, held that "the Government was not liable for the acts of individual soldiers or of bodies of straggling or marauding soldiers not under the command of an officer."

In the case of John Denis *v.* Mexico, he said:

"Neither is it shown that the loss which he (the claimant) suffered was caused by anything more than a robbery committed by lawless soldiers who were not under the control of any officer or authority. Under such circumstances the Mexican Government can not be held responsible for damages. (3 Moore's International Arbitrations, 2997.)"

The same rule was applied by him in four other cases before the same commission.

In a later case, that of W. C. Tripler *v.* The Mexican Government, the same umpire said:

"It is not clearly shown by whom the acts were committed, or that they were done by order or in presence of an officer or officers, and if the robbery and

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destruction were committed by soldiers only, without the order or presence of an officer, the umpire does not consider that the Mexican Government can be expected or called upon to make compensation for such acts. It is one of the unfortunate consequences of choosing to live in a country where revolutions and disturbances are so frequent. (3 Moore, International Arbitrations, 2997.)"

In the case of William Culberson *v.* Mexico, which came before the same commission, Mr. Wadsworth, the United States commissioner, in dismissing the claim, referring to an item for the destruction of property by the troops of General Corona, said:

"But why should I pick out this small item and trouble the umpire with this case when his labors are most and must yet be more enormous, and when I know he will dismiss it, because claimant only proves that 'Mexican soldiers' or 'government soldiers' took his horses, without showing that an officer was with them. The umpire requires the proof of the presence of an officer. (Moore. Internatinal Arbitrations, vol. 3, p. 2997.)"

In Vidal's case, which came before the United States and French Claims Commission of 1880, claim was made for the loss of certain growing vegetables. The evidence shows that the losses sustained by claimant were due to unauthorized acts of pillage by soldiers of the United States Army. On the part of the United States, it was maintained that the Government was not liable unless the authority for the taking was clearly proved. The commission, in dismissing the claim, said:

"In this case we are not able to find the facts proved as claimed by the memorialist. The claim does not arise from acts committed by the civil or military authorities of the United States, and the acts committed must be considered as mere acts of pillage. (3 Moore, International Arbitrations, p. 2999.)"

In another case which came before the French-American Claims Commission, that of Louis and Marie Castelain, growing out of an assault upon claimants by United States soldiers, the commission, in unanimously dismissing the case, said:

"This was a cruel and malicious attack upon the claimants, probably by some soldiers, from motives of personal revenge.

"We do not find any act committed by the authorities creating a responsibility on the part of the United States.

"We regret that we are not allowed to indulge in sentiments of pity, or to extend charity to persons so cruelly injured. (3 Moore, International Arbitrations, p. 3000.)"

It is argued by the French embassy that if there be no responsibility on the part of the Government for the unauthorized acts of private soldiers, this principle would involve the logical consequence that dispossessed parties would be justified in forcibly resisting uniformed soldiers engaging in such operations, and would put the burden upon the property owners of ascertaining whether such acts were or were not authorized before they could reach a conclusion as to whether forcible resistance would be proper.

To this it may be answered that the United States, in common with most other civilized governments, has adopted certain rules for the government of its armies in the field, one of which prohibits pillage under the severest penalties. There is every presumption that commanders will enforce obedience to these orders and punish all violations of them. At the same time it must be admitted that these orders will sometimes be violated. As Professor Lawrence observes in his Treatise on International Law, page 361, the element of plunder "is never entirely absent, and the most careful and humane of generals finds himself unable to give absolute protection to the property and inhabitants of an invaded country, especially when he is at the head of a large army, in whose ranks there are sure to be found a considerable number of bad characters."

A noncombatant owner can always demand of the parties causing him damage whether they act under the authority of a superior, in which case there is generally exhibited the written authority of the commander, and in any event the injured party has a right to make immediate complaint to the commanding officer. The question whether he shall himself seek his remedy with his own hands by forcible resistance is not materially different from the ordinary case where a private citizen decides for himself forcibly to resist those who, as the ostensible servants of government, he may think are acting against him without due process of law. It is the risk which any individual incurs who places himself in forcible opposition to others, who are proceeding against him under color of law, and whose authority he questions or denies.

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To admit the principle contended for by the French embassy would make a government responsible for every wanton or unauthorized act of every private soldier, regardless of every effort of the most vigilant commander directed toward the restraint of his men. It would make a government practically an insurer, as against the act of any soldier, of all private property along a line of march, except such as might be destroyed in the course of military operations or regularly requisitioned by the commander. Such a principle finds no support in the United States, nor is it thought to be in accordance with the leading decisions of arbitral tribunals, nor with the views of the best writers on international law.

DEPARTMENT OF STATE,
Washington, September 26, 1907.

ACCIDENTAL KILLING OF LIEUT. CLARENCE ENGLAND, U. S. NAVY, BY STRAY BULLETS FROM A FRENCH WARSHIP ENGAGED IN RIFLE PRACTICE.

File No. 585/2–3.

The Secretary of State to Ambassador McCormick.

No. 219.] DEPARTMENT OF STATE,
Washington, November 13, 1906.

SIR: I inclose herewith copy of a letter from the Acting Secretary of the Navy, together with copies of a report[a] and findings[a] of a naval board appointed to investigate the circumstances under which Lieut. Clarence England, U. S. Navy, was mortally wounded in July last while on duty on the U. S. S. *Chattanooga* in the harbor of Chefoo, China.

The board reports that the *Chattanooga* was at the time under way, standing out of the harbor of Chefoo, in the recognized highway channel, and that the wound which resulted in the death of Lieutenant England was caused by a stray rifle bullet from the French war ship *Depetit Thouars*, engaged at that time in rifle practice, and whose line of fire the *Chattanooga* was compelled to cross in the main ship channel in passing out of the harbor.

While the killing of Lieutenant England can only be viewed as an accident, it can not be regarded as belonging to the unavoidable class whereby no responsibility is entailed. Indeed, it is not conceivable how it could have occurred without the contributory element of lack of proper precaution on the part of those officers of the *Depetit Thouars* who were in responsible charge of the rifle firing practice and who failed to stop firing when the *Chattanooga*, in the course of her regular passage through the public channel, came into the line of fire. The evidence establishes that Lieutenant England was killed by a direct rifle ball at the moment the *Chattanooga* passed into the line of targets at which the practice of the *Depetit Thouars* was directed.

It will, I am sure, not be necessary to remind the French Government of the course adopted by the United States consequent upon the deplorable occurrence in the harbor of Toulon in 1835, when a saluting gun of the American frigate *United States*, which had been carelessly left shotted, caused the death of two men and the wounding of four others on the French frigate *Suffren*. Recognizing that the

[a] Not printed.

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casualty was due to the remissness and neglect of its officers, this Government voluntarily provided by act of Congress for indemnity by way of pension to the sufferers. But it may not be out of place to remark that this Government has carried its recognition of moral responsibility for the carelessness of its agents so far as to provide a substantial indemnity when certain Japanese subjects were killed in 1887 by the explosion of a shell which, having been fired into a barren cliff on the island of Ikishima and having failed to burst, was subsequently dug out of the sand by the natives and handled by them with fatal result.

This Government has no disposition to put forward a demand of an exemplary character in this case. It is, however, as the guardian and representative of the interests of its citizens, proper that it should take cognizance of the claim of the parent and relatives of Lieutenant England that some substantial reparation is due to them for the destruction of this young life of promise under circumstances which, it is represented, would have laid good ground for reparation by course of law if the incident had occurred between private parties.

The Government of the French Republic will readily comprehend the reluctance with which this deplorable occurrence is presented to its attention, and will I trust as readily understand the confidence with which an appropriate disposition thereof is left to its equitable sentiments.

You will take early occasion to bring the matter in oral conference to the attention of the minister for foreign affairs, consulting your good judgment as to the appropriate manner of doing so, and showing him this instruction and the accompanying report [a] and findings [a] with the chart [a] and diagram [a] referred to. For your further convenience in dealing with the question an abstract of the report of the naval board is added hereto.

I am, etc.,

ELIHU ROOT.

[Inclosure 1.]

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, October 4, 1906.

SIR: I have the honor to transmit herewith a copy of the report [a] of a naval board appointed by the senior officer present to investigate the circumstances under which Lieut. Clarence England, U. S. Navy, was, on Saturday, July 28, 1906, mortally wounded while on duty on the bridge of the U. S. S. *Chattanooga*, in the harbor of Chefoo, China.

After finding that Lieutenant England was wounded on board the U. S. S. *Chattanooga*, July 28, 1906, between 10.09 and 10.13 a. m., while in the performance of duty on the bridge of that vessel, the board reports that the *Chattanooga* was at the time under way, standing out of the harbor of Chefoo, in the recognized highway channel; that the wound which resulted in the death of Lieutenant England was caused by a stray rifle bullet in direct flight, and adds:

"IV. The board is further of the opinion that from the position of the U. S. S. *Chattanooga* at the time that Lieut. Clarence England, U. S. Navy, was shot, the position of the *Dupetit Thouars*, and the targets at which they were firing, also from the testimony given, that the stray bullet which hit Lieut. Clarence

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[a] Not printed.

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England, U. S. Navy, was fired from the deck of the *Dupetit Thouars*, which was the only vessel engaged at that time in rifle practice and firing at targets which were to the northward and eastward of said vessel, and which line of fire the U. S. S. *Chattanooga* was compelled to cross in the main ship channel in passing out of the harbor.

"V. The board is still further of the opinion that it is impossible for it to determine individual responsibility for the wounding and the death of Lieut. Clarence England, U. S. Navy, owing to the indiscriminate and careless manner in which the French fleet conducted small-arm practice from their ships at anchor in Chefoo Harobr, as shown above."

In view of the findings of the board of investigation, the papers are transmitted to you for such action as may be deemed appropriate. This department considers that the death of Lieutenant England occurred under such circumstances as to suggest the case should be called to the attention of the French Government.

Very respectfully, TRUMAN H. NEWBERRY.

[Inclosure 2.]

Abstract of evidence taken by board of naval officers.

[Refefences in parentheses are to the pages of the report.]

The *Chattanooga* took the usual course for men of war in leaving the harbor (3). Stopped engines at 10.07 when near the flagship *Ohio* to receive an official message from her (3). At 10.09 started up again, full speed ahead (3); passed the head of the *Wisconsin* (4). Lieutenant England fell at 10.13. Before passing the *Ohio*, Lieutenant-Commander Burrage remarked that the Frenchmen seemed to be firing with revolvers at targets on their lower booms (4). Commander Sharp, commanding the *Chattanooga*, did not notice any targets in the water when Frenchmen were firing (5). He heard the report of firearms, but could not tell in which direction they were shooting (5). "The first intimation we had that shots were coming near this ship was when Lieutenant England fell (5.) I did not know what hit him, nor did he" (5).

Lieutenant-Commander Burrage, executive officer of the *Wisconsin*, observed the French cruisers to be firing when the *Chattanooga* passed the bow of the *Wisconsin* (9); could not tell the direction of the firing, though he looked particularly for the splash, but found none. He observed two rifle targets out ahead of the *Dupetit Thouars*. The other ships had balls suspended from their swinging booms, from which he thought they were having revolver practice (9). Lost sight of the targets after *Chattanooga* had gone ahead full speed. Did not see or hear any firing in a direction ahead of the *Chattanooga* previous to England being shot (9). There were scars on the ship to indicate that other rifle or pistol bullets had struck it (10). Couldn't say whether bullet that struck England came from the *Dupetit Thouars* or the *Guichen* (10). Didn't know the direction of the firing nor which ships were doing it (10). Saw two rifle targets ahead of the *Dupetit Thouars*. French vice-admiral stated that ship was firing with rifles, others using pistols (10). Turned around and came back, blowing whistle. After England was shot, heard firing continued for some time, but could not tell direction. Saw no sign of shots on water (12). In his opinion, course pursued by *Chattanooga* was a safe course (12). The rifle targets were to the north and east of the *Dupetit Thouars* (12).

Williams, chief quartermaster, heard firing from the French ships after the orders for full speed ahead (14); saw line of targets (14). The *Guichen* and the *Dupetit Thouars* were nearest to the targets (15). Did not notice that they were firing rifles at these targets from any of the French cruisers (15). Heard no other bullets pass by or hit the ship after Lieutenant England was shot (15).

Quartermaster Allen states targets were seen off the *Dupetit Thouars*, about northeast (16). Heard firing from the ships before Lieutenant England was shot (16). Didn't know from what direction shots were going or from what coming, but saw them splash around targets (16). Noticed firing from French cruisers after England was shot, but didn't know which one; they were all firing (17). Surgeon Orvis states that from the nature of the wound it was a bullet in direct flight, not a ricochet, and was from a rifle, direction horizontal (18).

Ensign Wallace states he saw no targets going out. Whatever there were must have been very small (23).

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Captain Drake, of the *Wisconsin*, stated that the *Montcalm* and *Gueydon* were firing with revolvers and the *Dupetit Thouars* with rifles, the latter in a northeasterly direction (23) at targets about 400 yards distant.

Commander Boush, of the U. S. S. *Concord*, stated that on the morning of the accident, and just before it, he sent an officer to the captain of the French corvette *Decidé* to inform him that two of his shots had passed near the *Concord's* cabin port and his target practice was dangerous to the *Concord*, and he ceased firing at once and shifted his target (26).

Assistant Surgeon Olsen testified that on July 26 the crews of the *Montcalm* and the *Gueydon*, at rifle practice, kept firing at their target while a United States launch containing the surgeon was approaching the target, and did not cease firing until the coxswain on the launch blew his whistle three times (27).

The board made an examination of the scars alleged to have been made by bullets striking the ship (20). Result of examination not reported. It nowhere appears in the testimony that the ship was struck on both sides. The only testimony regarding the ship being struck at all is that of the executive officer, Lieutenant-Commander Burrage, who stated there were scars on the ship (location not mentioned) to indicate it had been struck by rifle or pistol shots (10).

File No. 585/15–16.

Ambassador McCormick to the Secretary of State.

No. 200.] AMERICAN EMBASSY,
Paris, December 20, 1906.

SIR: With reference to the department's No. 219, concerning the deplorable accident which resulted in the death of Lieut. Clarence England, in the port of Chefoo, China, I have the honor to report that I sought the first opportunity to lay the matter before the foreign minister. I laid stress on the fact that I did not come with a demand, but with the conviction that when the facts were fully known to the French Government similar action would be taken to that of the Government of the United States following the accidental killing of two men and four officers of the French frigate *Suffren* at Toulon in 1833.

My representations were most sympathetically received by M. Pichon, who said that we could not feel more deeply than his Government on the subject, concerning which he was already in conference with the minister of marine, and that I feel assured that the result will be entirely satisfactory to us.

As has been my habit, I left a memorandum with his excellency, M. Pichon, embodying the substance of my verbal representation, copy of which I inclose herewith.[a]

I have, etc., ROBERT S. MCCORMICK.

File No. 585/20.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, April 8, 1907.

DEAR MR. AMBASSADOR: Referring to our recent informal conversations and those which you have had with Mr. Bacon, also, in regard to the gracious offer of the French Government of 30,000 francs as a personal indemnity to the family of the late Lieut. Clarence England,

[a] Not printed.

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who was killed on the *Chattanooga* at Chefoo by a stray shot from a French vessel at anchor in the harbor, I have now the pleasure to express to you the great satisfaction it has afforded me to communicate your offer to the family of Lieutenant England, and to acquaint you with the acceptance of the sum mentioned by Mr. J. E. England, of Little Rock, Ark.

The friendly feeling shown by the French Government in this unfortunate matter is very deeply appreciated by this Government.

I am, etc.,

ELIHU ROOT.

File No. 585/21–23.

The French Ambassador to the Secretary of State.

FRENCH EMBASSY,
Washington, June 5, 1907.

MY DEAR MR. SECRETARY: Referring to our previous conversations and to your letter of April 8, I beg to inform you that my Government has just sent me a draft, to my order, of 30,000 francs, on the French public treasury, this sum being destined for the family of the late Lieutenant England.

I inclose herewith said draft, which I have passed to your order, and I should be much obliged to you to be so good as to cause it or its equivalent to be handed to the England family.

You will find also herewith a receipt, in duplicate, which should be signed by the interested parties and returned to me as soon as possible, to be forwarded to my Government.

I am, etc., JUSSERAND.

File No. 585/21–23.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, June 11, 1907.

MY DEAR MR. AMBASSADOR: I take pleasure in acknowledging the receipt of your note of the 5th instant, inclosing draft for 30,000 francs on the French public treasury, for the family of late Lieutenant England.

The matter will be taken up with the father of Lieutenant England, and the receipts inclosed with your note will be returned to you, signed by the proper parties, in due time.

I am, etc., ELIHU ROOT.

DISCRIMINATION AGAINST AMERICAN MEAT PRODUCTS.

File No. 2338/3–4.

Ambassador McCormick to the Acting Secretary of State.

No. 212.] AMERICAN EMBASSY,
Paris, January 2, 1907.

SIR: I have the honor to acknowledge the receipt of your No. 228, of December 28, 1906, transmitting copies of the act of June 30, of

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forms of certificates, and of the various regulations concerning the inspection of our pork products. These papers were at once transmitted to the minister of foreign affairs, with the expression of the hope that they would be found satisfactory to the minister of agriculture and that the temporary order for the admission of these products without the microscopic certificate would now be made permanent.

It may be inferred, however, from the memorandum herewith inclosed, which comes from the department of agriculture, that the French authorities are desirous of obtaining specific information with regard to the mode of inspection of our pork products. But the French inspectors of these products, having added their representations to ours, it is possible that the new certificate, the form of which has just been sent in, will finally be found satisfactory.

I have, etc.,

ROBERT S. MCCORMICK.

[Inclosure.—Translation.]

Memorandum from the French Department of Agriculture.

The American ambassador at Paris has addressed a request, with a view of obtaining the consent of the French Government to the suppression of the microscopic inspection which salted pork meats, destined for importation into France, are to be submitted by the American Sanitary Service.

In support of this request, Mr. McCormick points out that the United States Government has completely reorganized its sanitary inspection service; that a recent law, that of June 30, 1906, has increased the number of inspectors and has prescribed more rigorous and more efficacious measures than the former ones, but no longer including the microscopic examination, which practice has demonstrated to be useless.

In place of the old certificate of this microscopic examination a new one has been substituted, stating that the animals from which came the products that this certificate applies to were free from all disease; that the meat and meat food products made therefrom are sound, healthful, and wholesome, and were prepared and handled according to the new sanitary regulations prescribed by the United States Government.

The ministry of agriculture has the honor to recall that the admission into France of American salted pork meats was pronounced, by the decree of December 4, 1891, only in consideration of the measures taken by the United States Government to assure in its territory the inspection of meats destined for export, measures which included the microscopic examination of pork meats prescribed by the American law of March 3, 1891.

The food and drugs act, June 30, 1906, contains no provision concerning the measures taken in regard to salted pork meats exported from the United States of America and destined for France. Before modifying the French regulations concerning the admission of these meats it is indispensable that the ministry of agriculture should know the new measures taken in the United States, in order to be able to examine whether they present the guarantees exacted by the French regulations in the matter.

This department would therefore desire to be informed on this subject in detail.

Finally, to answer the request of Mr. McCormick, the ministry of agriculture consents, exceptionally, to receive salted pork meats not accompanied by the certificate of microscopic examination, but this authorization applies only to shipments actually on the way.

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File No. 2338/7–10.

The Acting Secretary of State to Ambassador McCormick.

No. 264.] DEPARTMENT OF STATE,
Washington, February 11, 1907.

SIR: Referring to your No. 212 of the 2d ultimo, I inclose copy of a letter from the Secretary of Agriculture, together with the documents mentioned therein, in response to the memorandum from the French department of agriculture calling for further information as to the mode of meat inspection under the act of Congress of June 30, 1906.

I am, etc., ROBERT BACON.

[Inclosure.]

The Secretary of Agriculture to the Secretary of State.

DEPARTMENT OF AGRICULTURE,
Washington, January 31, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, file No. 2338, and note the copy of dispatch which you inclose from the American ambassador at Paris with reference to the memorandum from the French department of agriculture calling for further information as to the mode of inspection under the act of Congress of June 30, 1906.

In relation to this matter I inclose herewith duplicate copies, with the amendments issued to date, of the regulations which have been issued under the act of Congress of June 30, 1906. This act is printed in full, commencing at page 28 of the inclosed pamphlets. From perusal of the same it may be observed that the authority conferred on this department by this act is much more extensive and far-reaching than the authority conferred by the act of March 3, 1891. Under the latter the examination conducted by inspectors of this department was mainly confined to the inspection of live animals before slaughter and a post-mortem inspection of them at the time of slaughter. There was no authority to supervise the various processes to which meat was subjected after the animals were killed. Under the act of June 30, 1906, however, this department has authority not only to inspect the live animals and to make post-mortem examinations at the time of slaughter, but to follow each and every operation to which the meat is subjected while it is in the packing house. The inspection under the new law requires the department inspectors to know in what manner pork and other meats are handled after slaughter. By the terms of regulation 39, packers are prohibited from using any drug, chemical, or preservative not named in the regulation or amendments in the preparation of their meats. The inspectors are required to ascertain that the meats are sound and wholesome and that all rooms, tanks, vats, and apparatus used in curing the same are kept in a clean and sanitary condition. This rigid inspection also applies to canning, smoking, and all processes to which meat is subjected. This inspection is conducted, not only during the daytime, but under the law, the department is authorized to and does maintain inspectors at establishments during the night who strictly examine each and every process in the preparation of meat.

Inspection with the microscope is not considered necessary for pork that is to be consumed in the United States, since pork, as a rule, is not eaten in this country in the raw state, and ordinary cooking destroys all danger from trichina. Formerly microscopic inspection was conducted on American pork only when such pork was destined for shipment to a country requiring such inspection. Some of these countries now make this inspection after arrival within their borders, so that microscopic inspection by this department is not required, except to detect disease which can not be determined by any other means.

I am firmly of the opinion that the inspection of meat and meat-food products under the new act is superior to that formerly conducted, and suggest that

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this inspection be brought to the attention of the French authorities, assuring them that a most rigid and efficacious inspection is enforced under the new act and that the certificate of microscopic inspection appears unnecessary.

It might be advisable to bring to the attention of the French authorities the fact that the food and drugs act of June 30, 1906, to which they refer in their communication, is separate and distinct from the meat-inspection act approved June 30, 1906. The latter refers to meat inspection only, while the former, known as the pure-food law, relates to food and drugs in general.

If there is any further information with reference to the meat-inspection act and the method of its administration which is desired by the French authorities, I shall be pleased to answer inquiries on the subject.

I have, etc.,

JAMES WILSON.

File No. 2338/11.

The Secretary of State to Ambassador White.

No. 2.] DEPARTMENT OF STATE,
Washington, February 28, 1907.

SIR: Referring to previous instructions relative to American salted meats in France, the department incloses herewith copy of a letter from Messrs. Armour & Co., of Chicago, Ill., dated the 18th instant.

The department will be pleased to receive from you a report relative to the status of the question of admission of American salted meats into France when accompanied by the certificates of inspection contemplated by our meat-inspection law of June 30, 1906.

I am, etc.,

ELIHU ROOT.

[Inclosure.]

Messrs. Armour & Co. to the Secretary of State.

ARMOUR & CO.,
Chicago, Ill., February 18, 1907.

SIR: We have exchanged various letters with you relative to the conditions of entry into France for American meat food products, and your last letter, dated the 29th ultimo, kindly gave us a copy of the note received by Ambassador McCormick from the French department of agriculture.

We sincerely hope that we shall soon hear from you that the French ministry has decided to accept the certificate of the Department of Agriculture of the United States without further restriction, and to waive the requirement of microscopic inspection.

Our agent at Marseilles, Mr. Marius Toy-Riont, has recently visited us and called to our attention the following facts, which appear to us to be worthy of prompt consideration and necessary action:

The last clause of paragraph 2 of the reciprocal commercial agreement between France and the United States, concluded May 28, 1898, states:

"But it is expressly understood that this latter concession may be withdrawn in the discretion of the President of the United States whenever additional duties beyond those now existing, and which may be deemed by him unjust to the commerce of the United States, shall be imposed by France on products of the United States."

Our Marseilles agent advises us that on or about July 1, 1903, the French ministry decided to apply to salted meats, such as backs, bellies, and hams, the maximum rate of duty of 50 francs per 100 kilos.

Up to that time these articles had been admitted on the minimum rate of 30 francs per 100 kilos, and although they were not specifically mentioned in the agreement of 1898, it would appear that it was the intention of Mr. Kasson and Mons. Cambon in negotiating this treaty to include salted meats, although they

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omitted them from the list, and it would appear that the French Government considered this as simply a technical omission until on or about July 1, 1903, when it was called to their attention by the agrarian interests and changed.

We beg to submit that the products of the United States are by this application of the maximum tariff to salted meats seriously handicapped, compared with the products of other European countries, and we understand from Mr. Toy-Riont that this subject has already been one of diplomatic discussion between your department and the French Government, but that the latter appeared to interpose somewhat serious objections to making the change for political reasons, and, as there was no particular pressure from ourselves or other manufacturers on this side, the matter was dropped.

We understand that Consul-General Skinner, at Marseilles, sent to the department on or about November 1, 1906, a very complete report on this subject, which will undoubtedly be of assistance to you in investigating same.

The peculiar position of the French market this year makes this question a very important one to the meat packing interests of the United States. The French supply of hogs is very short, prices are exceedingly high, and were it not for this application of the maximum tariff we would to-day be able to do a business of considerable importance.

Bulletin No. 40 of the Bureau of Statistics, Department of Agriculture, shows that during the year 1899 the United States shipped to France 15,428,937 pounds of salted pork, hams, bacon, etc., valued at $2,161,121. During the year 1900 this fell off to 8,945,869 pounds valued at $1,213,885, and in 1903 the imports were 851,374 pounds valued at $119,251. The effect of the application of the maximum rate of duty can be readily seen in the imports for 1904, which amounted to only 210,045 pounds valued at $27,582.

During the year 1904 France imported from the United Kingdom pork-salted meats to the amount of 4,305,896 pounds valued at $565,429; from Germany 1,937,151 pounds valued at $254,377; and from all countries, including the United States, 8,371,078 pounds valued at $1,099,248.

Short fatbacks, which is the article of salted meat in most demand in France, is to-day worth 116 francs per 100 kilos. c. i. f. Havre or Marseilles. The duties, inspection fees, and landing charges amount to 62 francs, making the cost "duty paid" to the French dealer 178 francs. The French make is offered at a parity of 155 francs, a difference of 23 francs, and this in the slaughtering season of the year.

If we were able to work with the minimum duty of 30 francs, the position of the two markets would to-day enable us to do a very considerable business.

We are advised that Servia has during the past twelve months built up a very considerable business in France on account of the differential tariff in their favor. Servia, as you know, is proportionately the greatest hog raising center of Europe.

Can we not invoke the clause of paragraph 2 of the agreement above cited to insist upon the French Government applying to our salted meats the minimum rate of duty?

Our agent, Mr. Toy-Riont, expects to be in New York for the next week or ten days, and if there is any chance of this matter being brought up for discussion or investigation he would be very pleased to visit Washington and render any assistance possible.

We shall also be pleased to arrange for him to visit the embassy at Paris on his return to France, in order to give them any further detail which may be necessary.

We are, sir, yours respectfully,

ARMOUR & Co.,
W. C. EVANS.

File No. 2338/15–16.

Ambassador White to the Secretary of State.

No. 2.] AMERICAN EMBASSY,
Paris, March 23, 1907.

SIR: With reference to your instruction No. 2, of February 28 (file 2332/11), I beg to state that the French Government has not yet replied to this embassy's communications of March 1 and 5, giving all the information supplied by the department with regard to the mode

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of inspection of our salted meats, and accompanied by copies of the law of June 30, 1906, and of the regulations which it called for.

On the 21st instant Mr. Vignaud addressed another note to M. Pichon with regard to the matter, asking him to kindly inform this embassy of its present standing. A copy of this note is herewith inclosed.

I have, etc., HENRY WHITE.

[Inclosure.]

Chargé Vignaud to the Minister of Foreign Affairs.

AMERICAN EMBASSY,
Paris, March 21, 1907.

SIR: Several times this embassy has communicated with your excellency with regard to the condition of American salted meats, which can no longer be introduced into France on account of their not being accompanied by a certificate of microscopic inspection.

By this embassy's dispatches of December 20, 1906, and of the 1st instant, it was fully explained that the enforcement of the inspection law of June 30, 1906, had rendered unnecessary the old microscopic examination, which is now superseded by a very rigid system of inspection, making it impossible to put on the market for consumption any unsound meats.

These explanations were accompanied by a copy of the law and by copies of the regulations made to insure its application. On the 5th instant other papers relating to the matter were submitted, which were thought to be of such character as to satisfy the minister of agriculture that the American Government had taken all due precaution to avoid any unhealthy meat product from being exported. Having received from the Secretary of State a dispatch asking what the present status of the question was, I beg to recall to your excellency's attention these various communications and to say that this embassy would be pleased to reply to my Government's inquiry with as little delay as possible.

I avail, etc.,

HENRY VIGNAUD.

File No. 2338/15–16.

The Acting Secretary of State to Ambassador White.

No. 18.] DEPARTMENT OF STATE,
Washington, April 18, 1907.

SIR: I have to acknowledge the receipt of your No. 2, of the 23d ultimo, reporting that having at that time received no answer from the French Government in regard to the embassy's representations on the subject of discrimination against American meats, a further communication was then addressed to Mr. Pichon.

The department notes with approval this action, and feels that you will, in the event of having heard nothing since, keep judiciously pressing for a reply.

I am, etc., ROBERT BACON.

File No. 2338/18.

The Acting Secretary of State to Ambassador White.

No. 66.] DEPARTMENT OF STATE,
Washington, July 11, 1907.

SIR: Referring to previous correspondence relative to the French regulations affecting the importation of American salted meats, I

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have to inclose herewith copy of report by Consul-General Skinner, of Marseille, dated June 21, 1907,[a] and of letter from the firm of Armour & Co., of Chicago, Ill., dated the 5th instant, alleging that the French minister of Agriculture has recently stated that he had not been officially notified by the United States Government regarding the operation of the new inspection law of June 30, 1906, and intimated that when so formally advised and satisfied that the new form of inspection would offer the same or superior guarantees to the old there should be no further objection to the admission of American pork products when accompanied by the new "interstate" certificate.

I am, etc.,

ALVEY A. ADEE.

[Inclosure.]

Armour & Co. to the Secretary of State.

ARMOUR & CO.,
Chicago, Ill., July 5, 1907.

SIR: We have just received advice from our Mr. William C. Evans informing us that when in Paris in company with the delegates of the syndicates of provision dealers of Paris, Havre, Bordeaux, and Marseille he visited the French minister of agriculture, who informed them that he had not been officially notified by the United States Government regarding the operation of the new inspection law of June 30, 1906.

He further informed them that, as soon as he was officially and formally advised and satisfied by the United States Government that the new form of inspection would offer the same or superior guarantees to the old, there should be no further obstacle to the entrée of American pork products under the new "interstate" certificate.

Will you kindly advise us if the French Government has withdrawn its demand that all American pork products be accompanied by a certificate of microscopic inspection before being admitted into France?

Thanking you in anticipation, we are, sir, yours respectfully,

ARMOUR & CO.
J. W. S. REID.

File No. 5869/41.

Ambassador White to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Paris, July 17, 1907.

(Mr. White states that the minister of agriculture called upon him, to say that he had given orders that the American salted meats be admitted to France without microscopic examination and added that this measure was provisional. States further that he ascertained no limit of the time fixed, its duration being evidently contingent on the success of negotiations foreshadowed in the department's dispatch, No. 54, concerning which he has had two interviews with the minister for foreign affairs, who has left for his holiday till the end of August. The minister of agriculture requested that Porto Rico decree be further postponed and thought it would be, but no positive assurance yet received. Mr. White informs Mr. Root that he is following mat-

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[a] Not printed.

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ters closely in the departments concerned, and that foreign office asked him yesterday whether he would inform this Government officially that the certificates of French chambers of commerce are now accepted at our custom-houses on equal terms with those issued by German chambers of commerce. Asks to be cabled as soon as possible whether he may do so. Thinks it will facilitate matters,)

File No. 5869/41.

The Acting Secretary of State to Ambassador White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 18, 1907.

(Mr. Bacon states, referring to Mr. White's telegram of the 17th, that the Treasury is satisfied of governmental standing of French chambers of commerce and assures this department that it will issue instructions at once to appraising officers to accept certificates issued by the said chambers as competent evidence. Directs Mr. White to convey to the Government of France our grateful appreciation of its friendly action in ordering the admission of American salted meats without microscopic examination.)

File No. 5869/66–67.

Ambassador White to the Secretary of State.

No. 77.] AMERICAN EMBASSY,
Paris, September 10, 1907.

SIR: With reference to my cablegram of July 17 last, informing you that orders had been given for the admission, provisionally, into this country of American salted meats without microscopic examination, I have the honor to inclose for your information the copy and translation of a note from the minister of foreign affairs in reply to one addressed to his excellency by Mr. Vignaud, which was rendered necessary by a complaint from one of the leading importers of salted meats to the effect that the aforesaid order of the minister of agriculture had not yet reached Marseille and other leading ports at which the microscopic examination was still exacted.

You will observe from Monsieur Pichon's note that the minister of agriculture particularly requests that he be furnished with details as to the practical measures adopted in our country in order to ascertain that there is no trichinosis in the meats in question, and I shall be much obliged if you will be so good as to cause me to be furnished with any such further information that may be obtainable, the minister of agriculture himself having made the same request of me urgently when he announced his decision in the matter.

You will also not fail to note the final paragraph of the inclosed note, stating that in the event of the discovery of trichinosis in any salted meats imported from the United States their further importation would be immediately prohibited.

I have, ec., HENRY WHITE.

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[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Vignaud.

FOREIGN OFFICE,
Paris, September 9, 1907.

MR. CHARGÉ D'AFFAIRES: By a letter of date August 12 last you solicited the intervention of my department with the minister of agriculture in view to obtain the sending out of instructions to the French customs authorities prescribing them to admit salted meats of American origin without exacting the production of a microscopic certificate.

Mr. Ruau, to whom I made known your request, informed me of the decision taken by his administration to temporarily authorize the importation into France of salted pork meats of United States origin, on the production of a certificate delivered by the inspector of the federal department of agriculture placed over the superintendence of the establishment where the animals had been slaughtered and where their meats had been prepared, establishing that the said meats derived from animals in perfect condition of health and are sound for food.

The cases containing these meats should bear the stamp of the official inspector who has attended to their sanitary examination.

In notifying me of this decision of his administration, the minister of agriculture requests me to insist upon your embassy, in view of obtaining the statement of practical methods employed in the United States, to ascertain that pork meats are not trichinized.

I shall be obliged to you if you will send me the documents requested by Mr. Ruau.

My colleague adds that it is well understood that if the examination of the imported meats be permitted, it being shown upon their entry into France that they are infected with trichinæ, their importation would be immediately prohibited.

Accept, etc., (Signed) S. PICHON.

File No. 5869/72.

The Acting Secretary of State to Ambassador White.

No. 102.] DEPARTMENT OF STATE,
Washington, October 17, 1907.

SIR: Referring to your dispatch No. 77, of the 10th ultimo, relative to the inquiry of the French Government with reference to official inspection of salted pork in this country, the department incloses herewith copy of letter from the Secretary of Agriculture, dated the 10th instant. You are instructed to communicate the information contained in this letter to the minister for foreign affairs.

I am, etc., ALVEY A. ADEE.

[Inclosure.]

The Secretary of Agriculture to the Secretary of State.

DEPARTMENT OF AGRICULTURE,
Washington, October 10, 1907.

SIR: Referring to your letter of the 27th ultimo inclosing copy of a dispatch with inclosures from the American ambassador at Paris regarding the inquiry of the French Government with reference to the presence of trichinæ in salted pork, the inspection of salted pork for export, to determine the presence or absence of trichinæ, has been discontinued by this department. It has been quite clearly shown that the usual methods of curing salt pork are sufficient to

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destroy any trichinæ which might be present. Under such conditions any trichinæ if present may be considered innocuous and the meat wholesome. The universal custom in this country of cooking meat before eating, during which process trichinæ are easily destroyed, is another reason for not having microscopic inspection of pork.

I have, etc.,

JAMES WILSON.

EXTRADITION OF FREDERICK LODGE JACOBS, AN AMERICAN CITIZEN, TO THE ARGENTINE REPUBLIC FROM FRANCE.

File No. 3294/1.

The Secretary of State to Ambassador McCormick.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 22, 1906.

Reported by American consul-general that Frederick Lodge Jacobs was arrested at Marseille, 4th instant, charged with fraudulent bankruptcy, remanded pending arrival papers from Argentina. Jacobs claims to be American citizen and demands protection and liberation. Investigate and take whatever action, if any, may properly be taken for his relief. Department uninformed of any extradition treaty between France and Argentine.

ROOT.

File No. 3294/2–3.

Ambassador McCormick to the Secretary of State.

No. 204.] AMERICAN EMBASSY,
Paris, December 24, 1906.

SIR: Referring to your cable of the 23d instant mentioning the case of Mr. Jacobs, now detained at Marseille at the request of the Argentine Republic, and instructing me to take whatever action, if any, as may be proper for his relief, I beg to say that this matter has been under consideration for the last two weeks.

On or about the 10th instant Mr. Jacobs's sister and his daughter called at the embassy and stated that this gentleman had been arrested upon his landing at Marseille, apparently at the request of the Argentine Government, under the charge, as they believed, of fraudulent bankruptcy at Buenos Aires, where he, Jacobs, had been established for years. With regard to his American citizenship, they stated that he was born in South America, that his father was a native American, but that he had only visited his father's home while quite young. They asserted, however, that his intention was to return to the United States.

With the view of ascertaining what Mr. Skinner thought of this, I communicated with him and he confirmed what the ladies had said, adding that Jacobs had a passport in Spanish language issued by the American consulate at Buenos Aires on September 28, 1874.

Although the right of Mr. Jacobs to claim American protection under the circumstances seemed to be questionable, I nevertheless ad-

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dressed, on the 13th instant, to the minister of foreign affairs, the note of which copy is herewith inclosed, calling his attention to the case and asking that this American be released if cause could not be shown why he was arrested and detained.

As yet no written reply was made to this communication, but I am informed by Mr. Skinner that Jacobs was taken before the procureur de la République on December 18, and that after a brief interrogatory he was remanded pending the arrival of documents said to be expected from the Argentine Republic. Our consul-general adds that gross irregularity seems to have characterized these proceedings throughout and that he will communicate with me later on on this subject.

At the foreign office it is informally intimated that what is being done in this case for the Argentine Republic is what is being done for us in the case of Malavio.

I have, etc., ROBERT S. MCCORMICK.

[Inclosure.]

Ambassador McCormick to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Paris, December 13, 1906.

SIR: An American citizen, Mr. F. L. Jacobs, has been arrested at Marseille on the 4th of this month, upon the complaint of the Government of the Argentine Republic, which accuses him, it is said, of fraudulent bankruptcy, and which intends to ask for his extradition. Since his arrest Mr. Jacobs has not been advised what he is accused of, and to the knowledge of our consul-general at Marseille no document has been produced justifying his arrest and detention.

I call your excellency's attention to the situation in which this American is placed, who has been detained for ten days in a prison destined for miscreants of a low class, amongst whom he is confounded. If the Argentine Republic has the right to exact his extradition, it should produce the papers to justify its demand. I therefore have the honor to request of your excellency that the papers on which the arrest and detention of Mr. Jacobs are based be immediately produced before the competent authorities or that the release of this American be ordered.

On account of the time already elapsed, and of the circumstances that I have just recalled, I again request your excellency to kindly act with all possible urgency.

I avail, etc.,

ROBERT S. MCCORMICK.

File No. 3294/4.

The Secretary of State to Ambassador McCormick.

No. 245.] DEPARTMENT OF STATE,
Washington, January 12, 1907.

SIR: I have to acknowledge the receipt of your No. 204, of the 24th ultimo, reporting your action in the case of Mr. F. L. Jacobs, detained at Marseille at the request of the Argentine Republic.

The department approves your note to the French minister of foreign affairs. You will continue your efforts in behalf of Mr. Jacobs. If he is still under arrest you will ascertain by what law of France he is still deprived of his liberty. Mr. Jacobs stated in his letter that the Argentine consul at Marseille informed him that

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neither he nor the Argentine minister at Paris had any knowledge (presumably official) of his detention. If this be so, the department fails to understand how this case is assimilated to the Malavio case, in which latter this department has been acting in the usual official manner in accordance with the provisions of our extradition treaty with France.

The department has no knowledge of any existing extradition treaty between France and the Argentine Republic. If there is one in force, it would be glad to be advised of such fact.

I inclose, for your information, copy of a letter[a] from Mr. Jacobs, written from the St. Pierre prison at Marseille.

I am, etc., E. ROOT.

File No. 3294/7.

Ambassador McCormick to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Paris, January 21, 1907.

(Mr. McCormick informs Mr. Root, in re Jacobs, that he is still in prison, notwithstanding the repeated remonstrances against his long detention without showing the cause. He also states that correspondence with the foreign office shows evident intention of giving him up without even advising or consulting the embassy, as is usually done. No extradition treaty was exchanged with the Argentine Republic, but a reciprocity letter. Mr. McCormick further states that he does not venture to push the matter further without instructions as Mr. Jacobs's position is peculiar with regard to his right to claim the protection of the embassy, as shown by dispatch No. 204.)

File No. 3294/7.

The Acting Secretary of State to Ambassador McCormick.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 22, 1907.

(Mr. Bacon informs Mr. McCormick from facts before the department at present that it appears that Mr. Jacobs is an American citizen, and as such is entitled to proper protection in the premises. Procedure in this case is contrary in several important particulars to that set forth in Minister McLane's dispatch No. 74 of January 14, 1889. Mr. Bacon also instructs Mr. McCormick, if present proceedings are based solely upon comity, to state to the minister of foreign affairs that the United States seems to have as strong a claim to consideration of the French Government in asking adequate protection for an American citizen as the Argentine Government has to obtain his surrender.)

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[a] Not printed.

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File No. 3294/8–13.

Ambassador McCormick to the Secretary of State.

No. 227.] AMERICAN EMBASSY,
Paris, January 22, 1907.

SIR: With reference to the case of Jacobs, which was reported in my No. 204, of December 24, 1906, I now send copies of the following dispatches and cables exchanged with the French foreign office and the Department of State regarding the matter:

1. Dispatch of M. Pichon of December 28, 1906, with a translation of the same.
2. Reply to this communication, January 2, 1907.
3. Dispatch of M. Pichon of January 18, in reply to the above note, with a translation of the same.
4. Reply to this second dispatch, dated January 21.
5. Cable to the department of the 21st instant.[a]

I have, etc.,

ROBERT S. MCCORMICK.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Ambassador McCormick.

FOREIGN OFFICE,
Paris, December 28, 1906.

Mr. AMBASSADOR: On the 24th of this month Mr. Vignaud was good enough to make an appeal to my department with the view of obtaining the immediate release of one Jacobs, alias Lodge, whose extradition has been asked for by the Argentine Government from the French Government.

In support of this demand, your embassy pointed out that the Government of the Republic is not bound by any extradition convention with the Argentine Republic; that the accused claims American nationality; and, lastly, that his preventive detention could no longer be maintained as no judicial document had so far been submitted to attain the end in view.

I have the honor to inform your excellency that international legislation concerning extradition is regulated in France by conventional texts which deal in total with such, or such category of infringements, and by exchanged declarations of reciprocity with reference to a special case, and which carry, nevertheless, not less strict obligations than treaties. Now, it is precisely on the ground of reciprocity that the Argentine authorities have asked us, in view of his extradition, the arrest of the said Jacobs.

As to the duration of the preventive detention incurred by him, it is customary between civilized States, and in matters of extradition, that the arrest of the accused be proceeded with on telegraphic advice, as he could escape the action of justice by flight, were it necessary, to apprehend him, to await the effective production of the warrant for the arrest, delayed in this instance by a twenty-days' sea journey from Buenos Ayres.

Here, then, are circumstances where a general interest of security and social assistance can permit of an accidental giving way to the prerogatives of individual liberty.

We can not, however, remain much longer without being provided with the necessary documents, which, according to a quite recent communication from the Argentine legation, were dispatched on the 20th of December last.

While not losing sight of the interest you attach to the settlement of this affair, I should add, much to our great regret, that it is impossible for us to oppose to the Argentine Republic the presumed nationality of the accused.

Accept, etc.,

S. PICHON.

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[a] Supra.

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[Inclosure 2.]

Ambassador McCormick to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Paris, January 2, 1907.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of December 28, in reply to mine of the 24th of the same month, relative to the long preventive detention at Marseilles of an American citizen, Mr. Jacobs, whose extradition is applied for by the Argentine Government.

Your excellency points out that these matters are regulated in France by conventional texts, as well as by reciprocal declarations, which are as binding as treaties, and that it is precisely on the ground of reciprocity that the Argentine authorities have applied, in view of his extradition, for the arrest of Jacobs.

Your excellency adds, with reason, that it is customary in these matters to proceed, upon telegraphic advice, to the arrest of the fugitive, and that there are circumstances where a general interest of security and social assistance allows of a deviation of the prerogatives of individual liberty.

The Government of the United States, which has on several occasions, and which is asking at this moment in the name of that same principle of general and social assistance, for the arrest and detention of a party accused of a crime, could not object to the same measure being taken for another government, and the observations which I have ventured to make with reference to Jacobs do not bear on that point.

It is only by exception that these conditions of individual liberty which republican states guarantee to the citizens of friendly countries can be suspended, and it is for that reason that in each country rules have been laid down limiting to a very narrow range the instances in which it is permitted to derogate from these fundamental principles.

Thus, for instance, the keeper of the seals, in his circular of March 23, 1897, reminded the "procureurs de la République" that, according to legal procedure arranged between his chancery and both the department of the interior and of foreign affairs relative to the extradition of individuals prosecuted abroad, who had taken refuge in France, "as soon as a party has been arrested in France, either on the direct demand of a foreign government and before the diplomatic documents have been produced or following up the regular demand accompanied by documentary evidence, he must be immediately taken before the procureur de la République of the district in which his arrest has been made."

"The magistrate," continues the circular, "should in urgence proceed to open an inquiry to the effect of verifying the identity of the arrested party and to examine, if the case presents itself, his allegations to prove his innocence."

Now, it was on December 4 that Jacobs was arrested, and it was only on the 18th that he was questioned by the procureur de la République, and both before and after his examination he has been treated as a criminal.

I shall not insist further on this consideration, but I must call the attention of your excellency to the position in which the Government of the Republic would be placed if, after having granted to the Argentine Government, without being bound by any treaty and without having consulted my Government, the extradition of an American charged with fraudulent bankruptcy, the United States were to request the extradition of an Argentine citizen charged with a similar crime or of any other crime not included in our extradition treaty.

I avail, etc.,

ROBERT S. MCCORMICK.

[Inclosure 3.—Translation.]

The Minister for Foreign Affairs to Ambassador McCormick.

FOREIGN OFFICE,
Paris, January 18, 1907.

MR. AMBASSADOR: On the 2d of January your excellency kindly called my attention to the case of Jacobs, who was arrested at Marseilles on December 4, and was only examined by the procureur de la République on the 18th.

You also asked me what would be the position in which the Government of the Republic would be placed if, after having granted to the Argentine Gov-

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ernment, without being bound by any treaty and without having consulted the American Government, the extradition of an American citizen charged with fraudulent bankruptcy, the United States were to request the extradition of an Argentine citizen charged with a similar crime or of any other crime not comprised in our treaty of extradition.

I must at once inform your excellency that I have received from the minister of the Argentine Republic at Paris the papers required by the keeper of the seals, to whom they have just been transmitted.

With regard to the delay in the examination, the keeper of the seals has satisfied himself that Jacobs did not suffer on this account, as this delay did not postpone the examination of the request for extradition, which was not in due form on account of the absence of the judicial papers.

On the other hand, it seems difficult to enter at the present moment into the examination of the contingency foreseen by your excellency, with regard to decisions which the Government of the Republic might be led to take if a case analogous to the present one should come up in the matter of a demand for extradition made by the Government of the United States. Solutions to be given depend frequently on the character of the facts or of the law, among which I will note specially declarations of reciprocity.

Accept, etc., S. PICHON.

[Inclosure 4.]

Ambassador McCormick to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Paris, January 21, 1907.

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch of the 18th instant with reference to the case of Jacobs, the American citizen who was arrested on the 4th of December last and who is still confined, this 21st of January, without any action having been taken in the matter.

I infer from the contents of this note that the Government of the French Republic proposes to surrender this American citizen to the Argentine authorities without putting the American Government in position to ascertain whether it has any objection to this extradition.

I would be obliged to your excellency to kindly let me know whether such is his intention.

I avail, etc., ROBERT S. MCCORMICK.

File No. 3294/14–15.

Chargé Vignaud to the Secretary of State.

No. 234.] AMERICAN EMBASSY,
Paris, January 31, 1907.

SIR: In reply to the department's No. 245, of the 12th instant (file 3294/2–3), directing this embassy to continue its efforts in behalf of Mr. Jacobs, whose case is fully reported in Mr. McCormick's No. 227, of January 22, I beg to state that on the 23d instant another communication was addressed to the foreign office, renewing the request that this embassy be enabled to express its views with regard to the extradition of this American citizen by the Argentine Government. A copy of this communication is herewith inclosed.

As yet no reply has been made to it, but I have ascertained, informally, that the foreign office hesitates to comply with our request in order not to create a precedent. To the remark that this was done before, it is said that such course was only taken when the treaty between France and the country applying for an extradition con-

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templates this proceeding. Such was the case when, in 1855, the city of Hamburg applied through the German embassy for the extradition of two Americans who were at the time in prison at Paris, but it seems that nothing of the kind exists in the arrangement made with the Argentine Republic.

Mr. Skinner writes under date of the 26th instant that prisoner was examined by the substitute for the procureur (district attorney) and that this official has reported to the minister of justice adversely to the demand for extradition made by the Argentine Government.

This is the last we heard of the case, but a reply to the note of the 23d may come to hand at any moment.

I have, etc.,

HENRY VIGNAUD.

[Inclosure.]

Ambassador McCormick to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Paris, January 23, 1907.

SIR: Two days ago I asked your excellency if, contrary to the obliging and courteous forms to which the Government of the Republic had accustomed us, it was proposed to grant, without consulting my Government, the extradition of F. L. Jacobs, this American citizen arrested and detained for so long a time at Marseilles. On account of a pressing telegram received this morning from the Secreary of State with regard to this matter I am obliged to again recur to it.

If, as stated in the last communication of your excellency, the Government of the Republic believes itself bound to the Argentine Government by a promise of reciprocity which is as binding as a treaty, I venture to say it certainly did not engage itself so far as to be compelled to depart from the customary usages under such circumstances, to the extent of doing more for that Government than for the United States which has assuredly as much right as the Argentine Republic to expect from the French Republic marks of courtesy.

As the usual rules have already been departed from in detaining the prisoner for an abnormal length of time, I believe myself justified in expecting from your excellency's Government that it will do the United States the pleasure of not overlooking again these rules in not furnishing me the opportunity of expressing the views of my Government on the extradition of this American citizen.

In the hope that these considerations will have your excellency's kind attention, I beg, etc.,

ROBERT S. MCCORMICK.

File No. 3294/14-15.

The Acting Secretary of State to Chargé Vignaud.

No. 272.] DEPARTMENT OF STATE,
Washington, March 7, 1907.

SIR: I have to acknowledge the receipt of the ambassador's No. 234 of the 31st of January last, transmitting copy of his note of January 23 to the minister for foreign affairs regarding the arrest and imprisonment case of Frederick Lodge Jacobs.

The department approves Mr. McCormick's note and awaits with interest the embassy's further report.

I am, etc.,

ROBERT BACON.

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File No. 8294/17.

Ambassador McCormick to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Paris, February 23, 1907.

French Government has submitted papers in case Jacobs as a matter of courtesy; they seem regular to me and to counsel of embassy. Please see my numbers 227 and 234 and cable instructions.

MCCORMICK.

File No. 3294/17.

The Secretary of State to Ambassador McCormick.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 27, 1907.

(Mr. Root informs Mr. McCormick that the question of the surrender of Mr. Jacobs depends upon the sufficiency of the extradition papers which the department has not seen, and states if the embassy is satisfied with their regularity they should interpose no objection to surrender, but if not so satisfied to consult Skinner. A dispatch from Skinner, reporting that the examining magistrate had recommended the extradition be not granted, led the department to anticipate the discharge of the prisoner. Mr. Root further states that the embassy's telegram does not show whether the French Government has decided to overrule the magistrate's decision. If the case is one in which upon evidence adduced the embassy would not feel warranted in asking for the surrender to United States, so represent to the French Government and ask that this consideration be given due weight, as well as the unusual period of provisional detention, before coming to final conclusion.)

File No. 3294/19–26.

Chargé Vignaud to the Secretary of State.

No. 2.] AMERICAN EMBASSY,
Paris, March 8, 1907.

SIR: Referring to the dispatches from this embassy, Nos. 227, of January 22, and 234, of January 31, and also to the cables exchanged with the department concerning the Jacobs extradition case, I beg to report that by a dispatch dated February 14, a copy and translation of which are herewith inclosed, the minister of foreign affairs has communicated to this embassy the papers presented by the Argentine Government in support of its requisition for extradition of the said Jacobs, but states, at the same time, that the decision to surrender the prisoner is deferred simply to give us the opportunity of examining these papers.

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You will note that this communication is made under reserve, as an act of international courtesy, and only for the purpose of establishing the identity of the accused, the nature of the charges, and the regularity of the proceedings.

After careful examination of the documents by myself and by the counsel of the embassy, which it was deemed advisable to consult under the circumstances, it was found that they are regular and afforded no legal ground for opposing the surrender of the accused.

Jacobs is charged with breach of trust (détourement et banqueroute), an act which constitutes a crime both in France and in the Argentine Republic, and the papers submitted furnish prima facie evidence that the offense was committed, as shown by Mr. Jacobs's letter, also herewith inclosed.

Taking all the facts of the case into consideration, I have finally replied to M. Pichon's note that this embassy thought it had good reason for expecting another solution of this affair and that it could now only express its regret at the decision taken.

I inclose a copy of this reply, which I trust will meet the approval of the department.

With regard to the French note I beg to call attention to the admission of the foreign office that it would be disposed to receive favorably, on the ground of reciprocity, a request for the extradition of one whose crime is not included in our treaty of extradition.

I have, etc.,

HENRY VIGNAUD.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Ambassador McCormick.

PARIS, *February 14, 1907.*

MR. AMBASSADOR: The keeper of the seals makes known to me that the individual named Jacobs has received communication of the judicial documents produced by the Argentine Government upon its request for his extradition, such notification being made to him by the parquet of Marseilles.

Mr. Jacobs has made no objections to the charges brought against him and has confined himself to arguing his American nationality, which, according to his views, raises an obstacle to his being turned over to the Argentine Republic.

M. Guyot-Dessaigne considers such pretension inadmissible, international law having always sanctioned the extradition of individuals, citizens of a third nationality.

At the point now reached in the matter, the minister of justice considers that the warrant of arrest issued against Jacobs, and which is not contested by the later, sufficiently establishes the crime of fraudulent bankruptcy, and that the extradition of Jacobs ought to be accorded.

Taking into consideration, however, the interest which has been manifested by the embassy in this case, the minister of justice has decided to defer his presentation to the President of the French Republic of the decree ordering the turning over of Jacobs to the Argentine Government and has asked me to communicate to you for all proper purposes the preceding information and such as hereafter follows, annexing a résumé translated into French of the judicial documents forwarded me by the Argentine Government. Should your excellency deem such course of utility, an official of your embassy may examine the original documents, in the Spanish language, which are at the present time on deposit at the office of the sous direction des contentieux, which has received instruction accordingly.

In the course of the correspondence which has passed concerning this matter, your embassy at first expressed a desire that should the extradition of Jacobs take place the forms prescribed by the French law, and such as one would be compelled to observe if a treaty existed, would be applied.

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The preceding information is of a nature to give you satisfaction upon this subject. The procedure followed has assured Jacobs of all the guaranties in like situations.

Your embassy, however, on the one hand has called attention to the delay resulting before the first hearing before the parquet of Marseilles, and upon the other hand to the delay upon the part of the Argentine Government in producing the documents upon which it based its demands.

Dealing with the first of these two suggestions, I noted in my letter to you of the 18th of January, that Jacobs had not on his account suffered any prejudice, no delay having resulted in the examination of the demand for extradition, which was not at that time in order because of the absence of certain judicial documents.

As to the second suggestion, it should be noted that Jacobs's arrest having taken place on the 4th of December last, the judicial documents were forwarded by the Argentine legation on the 14th of the following January.

It is certainly desirable that the forwarding of such documents should be effected with the greatest celerity, but it may be remarked here that the period between the arrest and the arrival of the documents differs very little from the delay of forty days provided for by article 4 of the treaty proposed in 1892 between France and the United States, whereas, as a matter of fact, means of communication between the United States and Europe are very much more frequent and rapid than those with the Argentine Republic.

Looking at the matter from another point of view, your embassy has objected that there does not exist between France and the Argentine Republic any treaty of extradition. It has also pointed out that the crime of fraudulent bankruptcy, with which Jacobs is charged, is not a crime which figures among those which give rise to extradition under the conventional law in vigor between France and the United States. Your excellency on this occasion asked what would happen if his Government should demand the extradition of a citizen of the Argentine Republic accused of the crime of fraudulent bankruptcy or of some other crime not mentioned in the Franco-American treaty of extradition.

The keeper of the seals has remarked that the question seemed one easy of solution, for even though the treaty does not mention fraudulent bankruptcy, the Government of the Republic certainly would be disposed to receive favorably on the grounds of reciprocity a request based upon such a crime. Reciprocity has precisely, as a matter of fact, for object to permit of extradition either in the absence of a treaty (which is the case now under consideration with the Argentine Republic) or in case a too restrictive treaty is silent upon the subject of an infraction of a common law of interest to public order.

In sending me these observations M. Guyot-Dessaigne has added certain short remarks upon the manner in which he regards the communication which he has asked me to make to you, and which I have the honor to do by the present dispatch.

The minister of justice notes that certain treaties impose upon the country of refuge the obligation to consult the country of origin of the accused, but that no reserve of such a nature was stipulated between France and the United States. Practice in extradition matters, however, does not exclude notice given to the state of origin of the accused, but such notice is purely unofficial and constitutes simply an act of international courtesy and confers upon the country consulted no right (outside of sufficient judicial reasons) to contest the extradition. The interest of such state is bounded by the interest of all other nations and by the interest of justice itself. The keeper of the seals does not think that the option of examination thus given to the country of origin ought to extend beyond the establishment of the identity of the individual accused, the nature of the charge, and the regularity of the procedure.

Besides, as a matter of fact, it is necessary to note that usage tends to abandon, in the absence of a stipulation to the contrary, the practice of consulting the state of origin. Vis-à-vis the Government of the United States, for example, I do not find, at least during the last few years, that the question has ever arisen, and the French Government has not considered that it would become necessary for it to take the initiative in demanding such consultation. I call to your attention in this connection that at the commencement of the year 1906 the British Government having asked of the French Government the extradition of an American called Violette Tewkesbury, no notice whatever was given to the embassy of the United States.

On the 27th of March, 1906, your excellency called the attention of M. Léon Bourgeois to the situation of such accused, but such step did not have as its

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object any intervention in the examination of the case; it obviously was for the simple purpose of obtaining, according to the desire of the accused, as little delay as possible in her extradition.

Nevertheless, in view of the special interest shown in this case at the present time, it can not but have been most agreeable to the keeper of the seals to meet your desires as expressed to him. M. Guyot-Dessaigne has, consequently, asked me to transmit to your excellency his reason, which has given rise to the present dispatch, in accompanying the same with such facts as are hereinbefore set forth and the object of which is to define the conditions and the reserves under which such communication is made, and at the same time to reply to the observations formulated by the embassy of the United States.

Accept, etc.,

S. PICHON.

[Inclosure 2.]

Mr. Jacobus to Ambassador McCormick.

82 BOULEVARD HAUSSMANN,
Paris, February 20, 1907.

JACOBS.

MY DEAR MR. MCCORMICK: I beg to return you herewith the documents communicated to me by Mr. Vignaud the day before yesterday in the matter of the extradition proceeding pending against Mr. F. L. Jacobs, an American citizen.

There would seem to be no precedent for the intervention of our Government, nor any just grounds for inquiry into any other of the facts than those which relate directly to the regularity of the proceedings had for the extradition.

In 1874 Mr. Hamilton Fish wrote to Mr. Gorham, then minister at The Hague, concerning a demand formulated by Belgium addressed to Holland asking the extradition of one Adolph Schmiderberg, an American citizen.

Mr. Fish said:

"The criminal law of this country asserts jurisdiction over all offenses committed within the territorial limits of the State or Territory enacting the law, but over no crimes committed beyond it. An American citizen, therefore, committing an offense in Europe can not be punished for that offense by the infliction of any punishment under American laws and will escape punishment altogether if he can claim the protection of his Government against a demand for extradition.

"On motives of general policy it would not be thought worth while to authorize any intervention in favor of a criminal in such case, even if he were a native-born citizen. In the case of a naturalized citizen the representative of the Government should further inquire whether he be a bona fide naturalized citizen and whether he has done any act indicating a purpose to forfeit his acquired citizenship." (Foreign Relations 1874, p. 780.)

In 1888 Secretary Bayard, writing to Mr. Lothrop at St. Petersburg in the case of one Proios, a citizen of the United States of America, arrested in Russia for extradition to Turkey, said:

"Your opinion in regard to the case is that any intervention on the part of this Government could go no further than to see that the proceedings of the demand and surrender were regular.

"The department appreciates your thoughtfulness in reporting this case, and on the meager statements of facts before it is also of opinion that there appears to be no valid ground for remonstrance against the action of the Russian Government in surrendering Proios." (Foreign Relations 1888, pt. 2, p. 1406.)

In Mr. Moore's recent International Law Digest, at section 595, he quotes from a further letter of Mr. Fish as follows:

"If an American citizen commits a crime in a foreign country and escapes thence to another foreign country, between which and that therein the offense was committed there exists an extradition for offenses such as that charged, his citizenship does not afford ground for the American representative to do more than to see that his reclamation and extradition are properly made and conducted."

I conclude that in the matter of Jacobs we have only to consider the regularity of the demand presented to the French Government and the regularity of its action thereon.

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Examining first the form of the documents presented to the French Republic, I have the honor to advise you that in my opinion they are regular in that they comply with such formalities in this respect as proper extradition proceedings demand.

Under our own practice and procedure within the United States extradition may be asked upon such documents as constitute a prima facie showing that a crime has been committed by the person sought to be extradited. (In re Risch, 36 Federal Reporter, p. 546.)

It is held that extradition proceedings can be based upon a similar complaint and need not be based upon an indictment.

"A complaint need not set forth the offense with the precision and particularity of an indictment. It is sufficient that it set forth the substance of the offense so that the court can see that the crime charged is one of those enumerated in the treaty." (In re Adutt, Federal Reporter, p. 376.)

In the case of Benson *v.* McMahon, decided in the Supreme Court of the United States in 1888, the court says:

"That the proceeding before the commissioner to determine whether a given person shall be surrendered by extradition ought not to be regarded as in the nature of a final trial by which such person could be convicted or acquitted of the crime charged against him, but rather of the character of those preliminary examinations which take place every day in this country for the purpose of determining whether a case is made out which will justify the holding of the accused either by imprisonment or under bail to ultimately answer to an indictment or other proceeding in which he shall be finally tried upon the charge made against him." (127 U. S., p. 457.)

The documents submitted to the French Government are sufficient in form for submission to an American committing magistrate, and he would be justified upon affidavits such as are submitted in holding for trial the person named in such affidavits.

As to the contents of the documents submitted and the sufficiency of the crime charged, it is generally recognized as a principle in extradition cases that the act complained of must be such as constitutes a crime not only in the country where the act was committed but as well in the country of refuge.

It appears that Mr. Jacobs is charged with "détournement et de dissimulation de biens au préjudice de ses créanciers, acte délictueux prévu par l'art. A. 200 ch. III, Titre 8, Section lère, livre 2 du Code Pénal argentin * * * s'étant enfui le 5 Novembre 1906 * * * en emportant toutes les valeurs appartenant à des tierces personnes qu'il deténait."

I find that the French Code of Commerce, section 591, defines the crime of "banqueroute," using the words "détourner ou dissimuler une partie de son actif," and that by section 404 of the French Penal Code "les agents de change et courtiers de bourse" are punished by an excessively heavy penalty in cases of "banqueroute."

The crime is, therefore, defined in section 591 of the Code de Commerce in the very terms of the warrant; the penalty is provided in section 404 of the Penal Code.

The act being a crime both in the Argentine Republic and in France, we have, lastly, to examine the facts to determine if the allegations contained in the papers submitted establish prima facie the crime charged.

It appears from the declarations that Mr. Jacobs at the time that he left the Argentine Republic was indebted on the Bourse de Commerce to the amount of several thousand piasters; that he was also indebted to Mr. Cesar Rocca for the sum of 39,000 piasters; that he was indebted to Mr. Otto A. Rhode for the sum of 4,750 piasters.

It appears that Mr. Jacobs received on October 31 2,200 shares of the Société Anonyme "Mato Grosso Gold Dredging Company," and paid therefor 16,000 piasters; that he received on October 26 5,000 shares of the Quais Catalinas and that he received on October 31 4,000 shares of the same company, and that these 9,000 shares had theretofore stood as security for the sum of over 67,000 piasters.

Without closer examination, therefore, of the documents submitted, it appears that while owing approximately 100,000 piasters Jacobs suddenly left Buenos Aires, although within the week immediately preceding his departure he had received shares to the value of at least 70,000 piasters, and the greater part of which shares he received on the 31st of October, sailing on the 5th of November.

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I think that a prima facie case is made out, and that a burden rests upon Jacobs, if he would avoid the presumption of his guilt, to show as a matter of fact what has become of the shares of the Mato Grosso Gold Dredging Company and of the Quais Catalinas.

I received this morning a memorandum from Mr. Kelly, hurriedly dictated at Coucy, in reply to a copy of your letter and of the documents that I mailed him. Such note is in accord with what I find, after careful investigation, to be clearly the law upon the situation. Mr. Kelly says:

"My own impression is that we have no right to anything more than the unofficial communication of the papers; in other words, that the minister of justice is right. Again, it seems pretty clear from the correspondence that Jacobs is charged with a very definite offense—that is to say, having taken securities and run away with them. If he can not account for the 5,000 shares of the Catalinas, which it seems were handed to him by the Banco Germanico della America del Sud, he seems clearly to have left the Argentine Republic for the purpose of defrauding his creditors."

MANDEVILLE C. JACOBUS.

[Inclosure 3.]

Mr. Jacobus to Chargé Vignaud.

PARIS, *March 8, 1907.*

JACOBS.

MY DEAR SIR: I have the honor to further write you in the matter of Jacobs.

Following upon my last conversation with you in this matter I called at the ministry of justice. I found that the dossier was not in the hands of the ministry of justice, but still with the ministry of foreign affairs. Thereafter Mr. Preston called at the ministry of foreign affairs and examined such dossier. I beg to confirm what he has already told you in person.

The document upon which the demand for extradition is based shows that there has been a criminal proceeding against Jacobs in the Argentine Republic, which prosecution is still there pending. A magistrate has taken jurisdiction in the matter and there has been filed with him original affidavits charging Jacobs with a specific criminal act. The affidavits are supported and strengthened by letters signed by an Argentine bank and by a receipt signed by Jacobs. In addition to the fact that these complaints contain sworn statements of facts, the exhibits annexed to them support the presumption of guilt and are in the nature of circumstantial evidence that goes to the strengthening of the sworn statements. Copies of all of these documents are legalized and forwarded to France and are found in the dossier of the ministry of foreign affairs.

There can be no doubt but that the dossier sufficiently charges a crime and the documents upon their face are regular and sufficiently legalized.

In a recent decision of the United States circuit court for the southern district of New York in the matter of Neely, Judge Lacombe said, speaking of the latter's extradition:

"There has not been so much hypercriticism in dealing with objections as to form, and if the certificates, signatures, and so forth, are in substantial conformity with the requirements of the statutes, and give reasonable assurance of authenticity, it is sufficient."

I can not but confirm the letter I have already written you in this matter, and it seems to me that there is no ground for protest by our Government under the proceedings which have been taken.

Yours truly, MANDEVILLE C. JACOBUS.

[Inclosure 4.]

Chargé Vignaud to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Paris, March 7, 1907.

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch of the 14th of February, by which the papers in support of the requisition of the Argentine Government for the extradition of an American citizen, Jacobs, are kindly communicated to this embassy.

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These papers which seem to be regular, and for the perusal of which this embassy is obliged to your excellency, confirms the fact that the extradition of this American citizen is demanded on the ground of having committed an offense, fraudulent bankruptcy, which could not be made the basis of a similar request on the part of the United States.

Although it is admitted that this is not a sufficient cause for opposing the requisition of the Argentine Government, this embassy had considered, and still considers, that the Government of the French Republic is not obliged to grant the extradition of this American citizen, because, although it is true that a promise of reciprocity engages as well as a treaty, it does not involve the same obligations.

A treaty is definite in its terms; it specifies cases and prescribes rules from which the contracting parties can not depart. It is not so with a promise of reciprocity which engages only in a general way and leaves much latitude for the execution.

Under these conditions this embassy had believed and still believes that by its interposition in the case of Jacobs, based, among other reasons, on this consideration to grant to a foreign government the extradition of an American citizen charged with the offense of fraudulent bankruptcy, would be doing more for that government than could be done for the United States, it furnished to the French Government a legitimate motive for refusing this extradition and also for taking into kind consideration, without much cost, our pressing representations.

The embassy was the more led to indulge in this hope that the circumstances of the case are such that, if I am well informed, the examining magistrate at Marseilles did not believe he could report in favor of the extradition.

If I understand well your excellency's dispatch, the Government of the French Republic has come to a different conclusion. Such being the case, I have nothing to add to what has already been said with reference to this matter, and it only remains for me to express the regrets which this decision causes the embassy.

Accept, etc., HENRY VIGNAUD.

File No. 3294/19–26.

The Acting Secretary of State to Ambassador White.

No. 8.] DEPARTMENT OF STATE,
Washington, April 3, 1907.

SIR: I have to acknowledge the receipt of Mr. Vignaud's No. 2, of the 8th ultimo, concerning the case of F. L. Jacobs, an American citizen, whose extradition from France was requested by the Argentine Republic. Mr. Vignaud's dispatch states that the papers submitted by the French Government establish a sufficient charge against Jacobs; that the embassy is of opinion that extradition can not be objected to, and that the French Government has been so advised, with an expression of regret at the decision reached in the case. Mr. Vignaud transmits a copy of his note to this effect to the minister for foreign affairs.

The department considers that the embassy did the utmost that could properly be done in behalf of Mr. Jacobs, and that it could not successfully maintain the position that the fugitive by reason of his American citizenship was exempted from surrender by France to the Argentine Republic.

The circumstances which first called for the department's interposition were the complaints from the fugitive that he was being unreasonably detained by the police authorities at Marseilles upon extradition process without any request from the Argentine diplomatic or consular representatives and without an opportunity for himself to be heard. It furthermore appeared from a dispatch from

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Consul-General Skinner that his efforts in the prisoner's behalf had been unavailing. In view of these reports the department cabled the embassy on January 22 last to state to the French Government that the United States appeared to have as strong a claim upon the French Government for the protection of one of our citizens as the Argentine Government had to obtain his surrender.

Subsequent developments have shown that the extradition proceedings were instituted and sanctioned by the Argentine authorities, and thenceforth the question simply became whether or not the proceedings were conducted in accordance with the requirements of French law. Ambassador McCormick on the 23d ultimo cabled that the papers seemed regular to him and the counsel of the embassy and asked for instructions. The department replied on the 27th ultimo that if the embassy was satisfied with their regularity no objection should be interposed to Jacobs's surrender. To assist in reaching a determination upon this point the department suggested that if the case were one in which, after examination of the evidence, you would feel warranted in asking for the fugitive's surrender directly to the United States (provided, of course, that the offense had been committed within the United States and was made extraditable by treaty), you should so represent to the French Government; but as your conclusions after an examination of the evidence were adverse to the fugitive there could be no further objection to the surrender of Mr. Jacobs.

Precisely the same rule obtains in the United States where the surrender of citizens or subjects of a third government is demanded. The diplomatic representative of such government has sometimes made representations to this department with a view to the protection of its national; but the department has always considered that his legitimate functions are limited to safeguarding the fugitive's rights by observing the course of the proceedings so as to satisfy himself that all the forms of law have been complied with before extradition is granted.

Since the proceedings in the case of Mr. Jacobs are shown by the French minister of foreign affairs to have been within the French law, the offices of our embassy could rightfully go no further than they were extended, and it would have been improper further to oppose the surrender of Mr. Jacobs to the Argentine Government.

I am, etc.,

ROBERT BACON.

File No. 3294/27.

Consul-General Skinner to the Assistant Secretary of State.

No. 322.] AMERICAN CONSULATE-GENERAL,
Marseilles, April 4, 1907.

SIR: I have the honor to acknowledge receipt of the department's instruction No. 308 (file No. 3294), dated March 9, in regard to the detention at Marseilles of F. L. Jacobs, whose extradition is demanded by the Argentine Government upon a charge of fraudulent bankruptcy.

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The contention of the French Government that a declaration of reciprocity "exchanged in view of a special case," or in other words a mere improvised request, is of the same binding force as a solemn treaty, seems to me a matter of much more importance than the personal issue actually involved. If the above principle be admitted, it practically renders unnecessary every existing extradition treaty, and squarely opposes the consistent attitude of the American Government, which has always maintained the doctrine that only by treaty can the surrender of accused persons take place.

Be that as it may, it is certainly obvious that the imprisonment of this individual, which now dates from December 4, 1906, constitutes in itself a severe punishment, and that the person named is entitled either to immediate liberation or immediate transfer to the Argentine Republic, where it might be possible for him to prepare a defense of his interests in a manner quite impossible in France.

Although the embassy intimated to the minister for foreign affairs on March 7 that it had submitted its final suggestions, Mr. Jacobs is still in jail, where he remains without information in regard to the present status of his case. Should he be discharged from custody or transferred to the Argentine authorities within ten days of this date I shall advise the department of the fact by cable. The prisoner writes to me frequently to complain about the long delay in reaching a settlement of this matter.

I am, etc., ROBERT P. SKINNER.

File No. 3294/27.

The Acting Secretary of State to Consul-General Skinner.

No. 315.] DEPARTMENT OF STATE,
Washington, April 27, 1907.

SIR: I have to acknowledge your No. 322, dated the 4th instant, and in reply have to state that the department has noted and given due attention to your observations regarding the practice of France, which allows the extradition of fugitives from the justice of foreign countries on the principle of reciprocity, in the absence of treaty stipulations, and especially to your statement that if the principle as applied in the Jacobs case be admitted, it "practically renders unnecessary every existing extradition treaty, and squarely opposes the consistent attitude of the American Government, which has always maintained the doctrine that only by treaty can the surrender of accused persons take place."

The situation which the present case presents makes it necessary to keep in mind an important distinction which must be observed between the systems of extradition which exist in such countries as France, whose legal system is founded upon the civil law, and the United States, whose legal system is founded upon the principles of the common law. In this country no man can be rightfully deprived of his liberty except for violation of some law of the United States or of the several States or by virtue of the provisions of some treaty of extradition, authorizing his detention. In the absence of a treaty, a person who has committed a crime against the laws of a foreign State, and flees to this country, is not liable to arrest in this

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country. The only legal justification for depriving him of his liberty arises from and is based upon our treaty engagements with these foreign countries, by which we bind ourselves to apprehend the man and, after compliance with certain legal formalities, to return him for trial to the jurisdiction where the crime was committed. If the fugitive is arrested in the absence of such a treaty, he is arrested without authority of law, and is entitled to his release upon habeas corpus.

This doctrine was finally set at rest by the decision of the Supreme Court of the United States in the case of United States *v.* Rauscher (119 U. S., 407), in which the court held that in the absence of a treaty provision no power existed in the United States to surrender a fugitive who had committed a crime against the laws of a foreign government, and moreover, that even in case of the existence of such a treaty, the obligation to surrender was limited to the offenses expressly provided by the treaty for which such surrenders should take place.

This is the law of the United States, but the laws of France are very different. From such an examination of them as the department has been able to make, an examination which is confirmed by the communications of the French foreign office to our embassy, it appears that the practice of surrendering a fugitive from justice is observed in all cases in which the demanding government will give an adequate assurance that in case a similar occasion arises the demanding government will surrender to France a fugitive from French justice who has committed a like crime. This Government can not question the policy of such a practice or of such laws, but must regard them as existing facts.

So far as France is concerned, therefore, treaties of extradition may not be necessary, the only requisite for such surrender being an assurance of reciprocity. A difficulty, however, obviously presents itself in carrying out the reciprocity theory, when a case arises calling for extradition between France and a country whose legal system does not permit the apprehension of a fugitive, where a crime is committed outside the territorial jurisdiction, except in pursuance of treaty. Suppose there were no extradition treaty in force between the United States and France, and this country should ask for the extradition of a fugitive who had committed some crime in the United States and fled to France, the French Government would grant the same if the United States would promise that this Government would surrender a fugitive from French justice charged with the same crime, should the case arise. This promise the United States would be compelled to refuse to make, following the decision in United States *v.* Rauscher, since no extradition treaty authorized the surrender. France, therefore, would refuse to honor the department's request, because this Government could not promise reciprocity. In order to obtain, therefore, the mutual surrender of fugitives between France and the United States it is necessary to negotiate a treaty by which each government agrees to deliver up fugitives from justice charged with certain crimes. In other words, the enactment of a treaty is the method adopted by this Government to meet the requirement of France, and to create on the part of the United States the necessary obligation to surrender. As it has been definitely decided by the Supreme Court in the case of Rauscher, to

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which reference has already been made, surrenders may only be made for offenses mentioned in our treaty; therefore France will make surrenders to this country only for treaty offenses, and it may well be that an American citizen may be surrendered by France to a third country for an offense not included in the treaty of extradition between the United States and France if the reciprocity principle prevails in the third country, and that country will make similar surrenders to France, the circumstances being reversed.

These conditions arise in the present case. Mr. Jacobs can not be extradited from France to the United States for fraudulent bankruptcy, because this offense is not enumerated in our treaty, but the department is satisfied that the inability to extradite the prisoner to the United States will not preclude his extradition to the Argentine Republic, where there appears to be no such restriction upon surrenders as there is under the laws of the United States.

In regard to the statement that Mr. Jacobs still continues in custody and has not yet been delivered to the Argentine authorities, the department is not advised as to the duration of the period after commitment for surrender within which the authorities of the demanding government have the right to remove the fugitive from the jurisdiction of the French Government. It would seem that this period would be easy of ascertainment by an appropriate inquiry of the French authorities. It is to be added, however, that under the extradition statutes of the United States a demanding government is allowed a period of sixty days after commitment for surrender to remove the fugitive before he is entitled to apply to a court for release upon habeas corpus.

It would not seem, therefore, that the department could justly protest against a like period of detention after commitment for surrender unless a shorter term is prescribed by the French law.

I am, etc.,

HUNTINGTON WILSON.

File No. 3294/28.

The Third Assistant Secretary of State to Mr. Jacobs.

DEPARTMENT OF STATE,
Washington, May 25, 1907.

SIR: I have to acknowledge the receipt of your letter of the 17th ultimo, regarding your arrest and imprisonment at Marseilles on the request for your extradition addressed to the French Government by that of the Argentine Republic.

In reply I have to say that the energies of the department and of its representatives in France have necessarily been limited to an endeavor to secure for you all rights under the French law applicable to extradition cases. Since it is lawful for France to make surrenders in the absence of extradition treaties upon a stipulation of reciprocity by the demanding government, and since it is understood that the Argentine authorities have complied with the requirements necessary in these cases, the department can interpose no further objection to surrender taking place.

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Although the period during which you have been detained has been considerably prolonged, it does not appear from any representations yet made that the detention is not, under all the circumstances of this case, in accordance with French procedure. If a violation of the local law in this respect should be made to appear, you might bring this feature of your case to the attention of the American embassy at Paris.

I am, etc., HUNTINGTON WILSON.

File No. 3294/29.

Consul-General Skinner to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE-GENERAL,
Marseilles, June 8, 1907.

Jacobs's imprisonment continues, although extradition authorized March 30.

SKINNER.

File No. 3294/29.

The Secretary of State to Ambassador McCormick.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 11, 1907.

(Mr. Root informs Mr. McCormick that the consul at Marseilles telegraphed that the imprisonment of Mr. Jacobs still continues, although the extradition was authorized March 30. Mr. Root instructs Mr. McCormick to ascertain if the continued detention is in accordance with the French law.)

File No. 3294/32–33.

Ambassador White to the Secretary of State.

No. 41.] AMERICAN EMBASSY,
Paris, June 18, 1907.

SIR: Referring to your cable of the 13th instant, a copy of which I inclose herewith, directing me to ascertain whether the continued detention of Jacobs at Marseilles is in compliance with French law, I have the honor to state that, according to information obtained informally, the prolongation of Jacobs's imprisonment has been due to the difficulty of making suitable arrangements for his transfer to the Argentine Republic. Now, however, the matter is settled, and the prisoner will leave on the 20th instant.

I have, etc., HENRY WHITE.

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File No. 3294/30.

Consul-General Skinner to the Secretary of State.

[Telegram.]

MARSEILLES, *June 15, 1907.*

Jacobs leaving 20th; closing incident.

SKINNER.

AGREEMENT BETWEEN GREAT BRITAIN, FRANCE, AND ITALY IN REGARD TO THE IMPORTATION OF ARMS AND AMMUNITION INTO ABYSSINIA.

File No. 4286/–1.

Ambassador McCormick to the Secretary of State.

AMERICAN EMBASSY,
Paris, January 17, 1907.

SIR: I have the honor to inclose herewith two copies of a Yellow Book just issued by the French foreign office on the affairs of Ethiopia.

I have, etc.,

ROBERT S. MCCORMICK.

[Inclosure 1.—Translation.]

Agreement between the United Kingdom, France, and Italy, respecting the importation of arms and ammunition into Abyssinia.

France, Great Britain, and Italy having a common interest in the prevention of all disturbances in their respective territories in Ethiopia and on the Red Sea littoral, the Gulf of Aden, and the Indian Ocean, have agreed as follows:

1. The contracting Governments, having regard to the provisions of Articles VIII to XIII of the general act of Brussels of the 2d July, 1890, bind themselves to exercise a rigorous supervision over the importation of arms and ammunition:

The French Government at Jibuti and Obok, in the territories of French Somaliland.

The British Government in British Somaliland and the ports and territories of Zeila, Berbera, Aden, and Perim; and

The Italian Government in Erythræa, Italian Somaliland, and more especially in the ports of Massawah and Assab.

2. Transmit permits for arms and ammunition destined for the Ethiopian government, recognized Ethiopian chiefs, and private persons in Ethiopia, will only be granted on a request to that effect formulated by the said government, indicating by name the persons authorized, the nature and quantity of arms and ammunition, and certifying that the said arms and ammunition are not intended for sale.

3. The three Governments engage to make joint representations to the Negus with a view to the prohibition, in accordance with the provisions of the general act of Brussels, of the traffic in arms and ammunition in Abyssinian territory.

4. As regards the supervision of dhows trading for arms from Jibuti, Aden, Perim, Zeila, Massawah, Assab, and other ports of those regions to points outside the zone of protection defined by the act of Brussels, measures will be taken to prevent them from smuggling.

5. While expressly maintaining the principles of French legislation in regard to the right of visit, and it being agreed that the British and Italian Governments maintain their principles in regard to this question, the French Govern-

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ment agrees that the measures of control exercised by the local authorities in British and Italian territorial waters over small British and Italian native merchant craft (dhows) should be also applicable in Italian and British territorial waters to dhows flying the French flag. The British and Italian Governments also agree that the measures of control exercised by the local authorities in French territorial waters over small French native merchant craft (dhows) shall also be applicable to dhows flying the British or Italian flags.

These measures shall be enforced without necessitating a recourse to the formalities laid down by the consular conventions in force between the three Governments.

6. In order to facilitate the supervision of native craft, and in order to prevent any wrongful use of the flag, the three Governments engage to communicate to each other every year a list of the dhows authorized to fly their respective flags.

7. The three Governments will further see that the dhow owners authorized to fly the French, British, or Italian flag shall show such plain marks on their craft as will permit of easy recognition at a distance.

8. The British, French, and Italian Governments agree to instruct their respective local authorities to concert amongst themselves as to the best means of carrying out the measures to be taken as the result of this agreement.

9. The present agreement shall hold good for a period of twelve years from the date of signature, and shall then remain in force for periods of three years, unless it is denounced six months before.

Done at London, December 13, 1906.

(Signed) E. GREY.
(Signed) PAUL CAMBON.
(Signed) A. DE SAN GIULIANO.

DISASTER TO THE FRENCH WAR SHIP JENA.

File No. 5121.

The Secretary of State to Chargé Vignaud.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 12, 1907.

Convey to President of the Republic the heartfelt sympathy of the President and sorrow of the American people for the terrible calamity suffered by the French nation in the disaster of the *Jena* and the death of so many brave Frenchmen.

ROOT.

File No. 5121/1–4.

Chargé Vignaud to the Secretary of State.

No. 6.] AMERICAN EMBASSY,
Paris, March 14, 1907.

SIR: I have to acknowledge the receipt of your cable of the 13th instant, directing that the sympathy of the President and the sorrow of the American people be conveyed to the President of the French Republic on the occasion of the loss of the battle ship *Jena* and the death of so many brave sailors, which instruction was at once complied with.

I inclose herewith copies of your cable, of my note to M. Pichon, and of his reply.

I have, etc., HENRY VIGNAUD.

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[Inclosure 1.]

Chargé Vignaud to the Minister of Foreign Affairs.

AMERICAN EMBASSY,
Paris, March 13, 1907.

The Secretary of State of my Government directs me to convey to the President of the Republic the expression of heartfelt sympathy of the President and the American nation for the terrible catastrophe which has just befallen the French nation in its navy.

The misfortune which has caused the loss of one of the finest vessels of the French fleet and the death of so many brave sailors, has also deeply moved the members of this embassy, and in praying your excellency to make known the sentiments which have animated Mr. Roosevelt and the members of the Government of the United States, I would feel obliged if you would also be the interpreter of those of my colleagues and the one who has the honor to renew to your excellency the assurances of his high esteem.

HENRY VIGNAUD.

[Inclosure 2.—Translation.]

The Minister of Foreign Affairs to Chargé Vignaud.

PARIS, *March 13, 1907.*

MR. CHARGÉ D'AFFAIRES: I did not fail to communicate to the President of the Republic the letter by which you were kind enough to ask me to convey to him the expression of the deep sympathy of his excellency the President of the Republic of the United States and of the American nation on the occasion of the catastrophe which has just befallen France in its navy.

Mr. President was deeply moved by the sentiments of which you were kind enough to be the interpreter on this sad occasion and which will be deeply felt by the whole of France, and he has charged me to have recourse to your usual kindness to convey to his excellency Mr. Roosevelt his most sincere thanks.

I want to tell you also how sensible the Government of the Republic was to the condolence you addressed to it as much in the name of the Government of the United States as in your own name and that of your collaborators.

Accept, etc.,

S. PICHON.

ATTEMPT AGAINST THE LIFE OF THE PRESIDENT OF THE FRENCH REPUBLIC.

File No. 7625.

President Roosevelt to President Failleres.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 15, 1907.

Accept my cordial congratulations on fortunate escape from injury.

THEODORE ROOSEVELT.

CONVENTION BETWEEN FRANCE AND GREAT BRITAIN FOR THE PREVENTION OF FRAUD IN SUCCESSION DUTIES.

File 10794.

Ambassador White to the Secretary of State.

No. 161.] AMERICAN EMBASSY,
Paris, December 20, 1907.

SIR: I have the honor to inclose herewith the copy of a convention having for its object the prevention of frauds, in respect of

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succession duties upon the revenues of France and Great Britain, which has just been concluded between those countries. It is of a somewhat novel character, not only by reason of its object, but also in that it provides for direct correspondence in the transmission of information by each government to the other, between the general direction of registration in Paris and the board of inland revenue in London, instead of through the usual diplomatic channels.

The convention though brief, and at first sight not very far reaching in its effects, has excited a good deal of adverse comment in this country owing to a feeling that, while it only affects for the present the succession duty upon personal property left by French citizens in Great Britain at their death, the information to be supplied in this connection by the British board of inland revenue will be very useful to the French minister of finance in the detection of frauds upon the income tax, should the latter come into existence, as the Government hopes shortly to persuade Parliament to vote that it shall.

Hitherto it appears to have been not uncommon for those charged with the settlement of estates left by British subjects and French citizens partly in France and partly in Great Britain to pay a tax upon such portions thereof only as happened to be in the country to which the deceased owed allegiance, the remainder in the other country escaping the payment of succession duty altogether.

In view of the fact that the succession duties in direct line are more than twice as large in Great Britain as they are in France, and of the further fact that an income tax exists already in the former country, the advantages of the convention would seem for the present to be greater for England than for France. It has been intimated, however, that this convention is merely a forerunner of others of a similar nature between France and the various civilized powers of the world, with a view to the repression of fraud in fiscal matters which, in that event, would certainly become more difficult to perpetrate.

I have, etc., HENRY WHITE.

[Inclosure.—Translation.]

The Journal Officiel publishes to-day the text of the arrangement concluded at London, "with a view to prevent, as much as possible, frauds in the cases of succession duties." This is the document:

The Government of the French Republic and the Government of His Britannic Majesty, being desirous to prevent, as much as possible, fraud in the cases of succession duties, have authorized the undersigned to conclude the following arrangement:

ARTICLE 1. The British Government pledges itself to furnish, for all deceased persons whose domicile is in France, an extract of the affidavit containing the names, Christian (or first), domicile, date and place of death of the de cujus, the information regarding his successors, and the amount of the inheritance in personal property. However, the extract shall be furnished only in cases where the total of this personal reaches a minimum of £100 sterling.

ART. 2. The French Government pledges itself to furnish for all deceased persons whose domicile is in the United Kingdom of Great Britain and Ireland an extract of the declaration of mutation by death containing the information enumerated in article 1. However, the extract shall only be furnished in cases where the total of the personal property declared reaches a minimum of 2,520 francs.

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ART. 3. The extracts of the affidavits and of the declarations of mutation shall be certified by the officials empowered to receive or register these affidavits or declarations.

However, when one of the two Governments shall deem it necessary, these extracts shall be indorsed on demand and without costs, with certifications and legalization of signatures exacted by the procedure in use in his country.

ART. 4. The extracts and affidavits of the declarations received or registered during every quarter shall, in the six weeks following the expiration of that quarter, be forwarded directly, by the board of inland revenue to the general direction of registration, and reciprocally.

The correspondence relative to said extracts shall also be exchanged directly between the two central administrations.

ART. 5. The present arrangement shall be ratified and the ratifications shall be exchanged at London in the briefest delay possible.

ART. 6. The first invoice to be sent shall be the one concerning the quarter of the 1st of January to March, 1908.

Done at London, in duplicate, the 15th of November, 1907.

[L. S.]	(Signed)	PAUL CAMBON.
[L. S.]	(Signed)	E. GREY.

AGREEMENT BETWEEN FRANCE AND SPAIN FOR THE PRESERVATION OF THEIR TERRITORIAL STATUS QUO IN THE MEDITERRANEAN AND ON THE ATLANTIC COASTS OF EUROPE AND AFRICA.

File No. 7132/6–7.

Ambassador White to the Secretary of State.

No. 47.] AMERICAN EMBASSY,
Paris, France, June 26, 1907.

SIR: Referring to my No. 42,[a] of the 19th instant, informing you that Mr. Louis, political director of the department of foreign affairs, had called on me to communicate a copy of the Franco-Spanish declaration of the 16th ultimo, I now have the honor to transmit herewith two copies of the text[b] of the correspondence in question.

I have, etc.,

HENRY WHITE.

INTERNATIONAL SANITARY CONVENTION.

Signed at Paris December 3, 1903. Ratification advised by the Senate March 1, 1905. Ratified by the President of the United States August 2, 1905. Ratifications deposited with the Government of the French Republic April 6, 1907. Proclaimed May 18, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas an International Sanitary Convention was concluded and signed on December 3, 1903, by the Plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, Brazil, Spain, France, Great Britain, Greece, Italy, Luxemburg, Montenegro, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Switz-

[a] Not printed [b] See under Great Britain, p. 538, note.

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erland, and Egypt, the original of which Convention, in the French language is word for word as follows:

[Translation.]

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary, etc.; His Majesty the King of the Belgians; the President of the Republic of the United States of Brazil; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, and of British territories beyond the seas, and Emperor of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Royal Highness the Grand Duke of Luxemburg; His Royal Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; the Swiss Federal Council, and His Highness the Khedive of Egypt, acting within the limits of the powers conferred upon him by the imperial firmans,

Having deemed it expedient to establish in a single arrangement the measures calculated to safeguard the public health against the invasion and propagation of plague and cholera, and desiring to revise and supplement the international sanitary conventions at present in force, have appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia,

Count de Groeben, Counselor of Legation and First Secretary in the Imperial Embassy of Germany at Paris;

M. Bumm, Superior Privy Government Counselor, Member of the Board of Health of the Empire;

Doctor Gaffky, Privy Medical Counselor of the Grand Duchy of Hesse and Professor at the University of Giessen, Member of the Board of Health of the Empire;

Doctor Nocht, Physician of the Port of Hamburg, Member of the Board of Health of the Empire;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolic King of Hungary,

M. le Chevalier Alexandre de Suzzara, Chief of Section in the Imperial and Royal Ministry of Foreign Affairs, Commander of the Order of Francis Joseph, Third-class Knight of the Order of the Iron Crown;

M. Noël Ebner d'Ebenthal, President of the Imperial and Royal Maritime Department at Triest, Knight of the Orders of Leopold and Francis Joseph;

M. Jospeh Daimer, Counselor in the Imperial and Royal Ministry of the Interior, Third-class Knight of the Order of the Iron Crown, Knight of the Order of Francis Joseph;

M. Kornel Chyzer, Counselor in the Hungarian Ministry of the Interior, Knight of the Orders of Leopold and Francis Joseph;

M. Ernest Roediger, Counselor of Section;

His Majesty the King of the Belgians,

M. Beco, Chief Clerk of the Ministry of Agriculture, in charge of the general direction of the public health and hygienic service, Com-

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mander of the Order of Leopold, decorated with the Civic Cross of the third class;

The President of the Republic of the United States of Brazil,

M. G. de Piza, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic;

His Majesty the King of Spain,

M. Fernand Jordan de Urries y Ruiz de Arana, Marquis de Novallas, Chamberlain of His Majesty, First Secretary of the Royal Embassy of Spain at Paris, Commander of the Order of Charles III;

The President of the United States of America,

Dr. H. D. Geddings, Assistant Surgeon General of the Medical Service and of the Marine Hospital;

Mr. Frank Anderson, Medical Inspector of the Navy;

The President of the French Republic,

M. Camille Barrère, Ambassador of the French Republic near H. M. the King of Italy, Grand Officer of the National Order of the Legion of Honor;

M. Georges Louis, Minister Plenipotentiary of the 1st class, Director of Consulates and Commercial Affairs in the Ministry of Foreign Affairs, Officer of the National Order of the Legion of Honor;

Professor Brouardel, Honorary Dean of the Faculty of Medicine of Paris, President of the Advisory Board on Public Hygiene of France, member of the Institute and of the Academy of Medicine, Grand Officer of the National Order of the Legion of Honor;

M. Henri Monod, Counselor of State, Director of Public Assistance and Hygiene in the Ministry of the Interior, member of the Academy of Medicine, Commander of the National Order of the Legion of Honor;

Doctor Émile Roux, Subdirector of the Pasteur Institute, Vice President of the Advisory Board of Public Hygiene of France, member of the Academy of Sciences and of the Academy of Medicine, Comander of the National Order of the Legion of Honor;

M. Jacques de Cazotte, Subdirector of Consular Affairs in the Ministry of Foreign Affairs, Officer of the National Order of the Legion of Honor;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories beyond the Seas, Emperor of India,

Mr. Maurice William Ernest de Bunsen, Minister Plenipotentiary, acting as First Secretary of the Royal British Embassy at Paris, Comander of the Royal Order of Victoria, Companion of the Order of the Bath;

Dr. Theodore Thomson, of the Local Government Board;

Dr. Frank Gerard Clemow, Delegate of Great Britain to the Superior Board of Health of Constantinople;

Mr. Arthur David Alban, Consul of His Britannic Majesty at Cairo;

His Majesty the King of the Hellenes,

M. Delyanni, His Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, Grand Commander of the Royal Order of the Savior;

Doctor S. Clado, physician of the Royal Greek Legation at Paris;

His Majesty the King of Italy,

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Commander Rocco Santoliquido, Director General of Public Health of Italy;

Marquis Paulucci de' Calboli, Counselor at the Royal Embassy of Italy at Paris;

M. le Chevalier Adolphe Cotta, Chief of the Bureau of General Affairs under the General Bureau of Public Health of Italy;

His Royal Highness the Grand Duke of Luxemburg,

M. Vannerus, Chargé d'Affaires of Luxemburg at Paris;

His Royal Highness the Prince of Montenegro,

M. le Chevalier Alexandre de Suzzara, Chief of Section in the Imperial and Royal Ministry of Foreign Affairs of Austria-Hungary, Commander of the Order of Francis Joseph, Third-class Knight of the Order of the Iron Crown;

Her Majesty the Queen of the Netherlands,

Baron W. B. R. de Welderen Rengers, Counselor of the Royal Legation of the Netherlands at Paris;

Doctor W. P. Ruijsch, Inspector General of the Sanitary Service in South Holland and Zealand, member of the Superior Board of Hygiene;

Doctor C. Stekoulis, delegate of the Netherlands to the Superior Board of Health of Constantinople;

M. A. Plate, President of the Chamber of Commerce of Rotterdam, extraordinary member of the Superior Board of Hygiene;

His Majesty the Shah of Persia,

General Nazare Aga Yémines-Saltané, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, possessor of the portrait of the Shah in diamonds, Grand Cordon of the Order of the Lion and of the Sun in diamonds;

His Majesty the King of Portugal and the Algarves,

Doctor José Joaquim da Silva Amado, of His Very Faithful Majesty's Council, professor in the Institute of Hygiene of Lisbon, Vice President of the Royal Academy of Sciences, Commander of the Order of Saint James;

His Majesty the King of Roumania,

M. Grégoire G. Ghika, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, Grand Officer of the Order of the Star of Roumania, Grand Officer of the Order of the Roumanian Crown;

Doctor Jean Cantacuzene, member of the Superior Board of Health of Roumania;

His Majesty the Emperor of all the Russias,

M. Platon de Waxel, Actual Counselor of State, Grand Cordon of the Order of Saint Stanislaus;

His Majesty the King of Servia,

Doctor Michel Popovitch, chargé d'affaires of Servia at Paris;

The Swiss Federal Council,

M. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation near the President of the French Republic;

Doctor F. Schmid, Director of the Federal Health Bureau;

And His Highness the Khedive of Egypt,

Mohamed Chérif Pacha, Assistant Secretary of State for Foreign Affairs, Grand Cordon of the Order of the Medjidie, grand Officer of the Order of the Osmanie;

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Doctor Marc Armand Ruffer, President of the Sanitary, Maritime, and Quarantine Board of Egypt, Grand Officer of the Orders of the Osmanie and the Medjidie;

Who, having exchanged their full powers, found in good and due form, have agreed to the following provisions:

TITLE I.—GENERAL PROVISIONS.

CHAPTER I.—*Rules to be observed by the countries signing the convention as soon as plague or cholera appears in their territory.*

SECTION I.—*Notification and subsequent communications to the other countries.*

ARTICLE 1. Each government shall immediately notify the other governments of the first appearance in its territory of authentic cases of plague or cholera.

ARTICLE 2. This notification shall be accompanied, or very promptly followed, by particulars regarding:

1. The neighborhood in which the disease has appeared.
2. The date of its appearance, its origin, and its form.
3. The number of established cases and the number of deaths.
4. In case of plague: The existence of plague or of an unusual mortality among rats and mice.
5. The measures immediately taken following this first appearance.

ARTICLE 3. The notification and particulars contemplated in Articles 1 and 2 shall be sent to the diplomatic or consular offices in the capital of the infected country.

In the case of countries not represented there, they shall be transmitted directly by telegraph to the governments of such countries.

ARTICLE 4. The notification and particulars contemplated in Articles 1 and 2 shall be followed by further communications sent regularly so as to keep the governments informed of the progress of the epidemic.

These communications, which shall be sent at least once a week and shall be as complete as possible, shall indicate more particularly the precautions taken to prevent the spread of the disease.

They shall specify: 1 The prophylactic measures applied with regard to sanitary or medical inspection, to isolation, and to disinfection; 2 the measures enforced upon the departure of vessels to prevent the exportation of the disease, and especially, in the case contemplated under No. 4 of Article 2 above, the measures taken against rats.

ARTICLE 5. The prompt and faithful execution of the foregoing provisions is of prime importance.

The notifications are of no real value unless each government is itself opportunely informed of cases of plague and cholera and of doubtful cases occurring in its territory. It can not therefore be too strongly recommended to the various governments that they make compulsory the announcement of cases of plague and cholera and that they keep themselves informed of any unusual mortality among rats and mice, especially in ports.

ARTICLE 6. It is understood that neighboring countries reserve the right to make special arrangements with a view to organizing a service of direct information among the heads of frontier departments.

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SECTION II.—*Conditions which warrant the consideration of a territorial area as being contaminated or as having again become healthy.*

ARTICLE 7. The notification of a single case of plague or cholera shall not involve the application, against the territorial area in which it has occurred, of the measures prescribed in Chapter II hereinbelow.

However, when several unimported cases of plague have appeared or when the cholera cases become localized, the area shall be declared contaminated.

ARTICLE 8. In order to limit the measures to the stricken regions alone, the governments shall only apply them to arrivals from the contaminated areas.

By the word *area* is meant a portion of territory definitely specified in the particulars which accompany or follow the notification; for instance, a province, a government, a district, a department, a canton, an island, a commune, a city, a quarter of a city, a village, a port, a polder, a hamlet, etc., whatever be the area and population of these portions of territory.

However, this restriction to the contaminated area shall only be accepted upon the formal condition that the government of the contaminated country take the necessary measures 1 to prevent the exportation of the articles enumerated under Nos. 1 and 2 of Article 12 and coming from the contaminated area, unless they are previously disinfected, and 2 to combat the spread of the epidemic.

When an area is contaminated, no restrictive measure shall be taken against arrivals from such area if such arrivals have left it at least five days before the beginning of the epidemic.

ARTICLE 9. In order that an area may be considered as being no longer contaminated, it must be officially ascertained:

1. That there has been neither a death nor a new case of plague or cholera within five days after the isolation,[a] death, or cure of the last plague or cholera patient.

2. That all the measures of disinfection have been applied, and, in the case of plague, that the measures against rats have been executed.

CHAPTER II.—*Measures of defense by other countries against territories declared to be contaminated.*

SECTION I.—*Publication of the prescribed measures.*

ARTICLE 10. The government of each country is obliged to immediately publish the measures which it believes necessary to prescribe with regard to arrivals from a contaminated country or territorial area.

It shall at once communicate this publication to the diplomatic or consular officer of the contaminated country residing in its capital, as well as to the international boards of health.

It shall likewise be obliged to make known through the same channels the revocation of these measures or any modifications which may be made therein.

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[a] By "isolation" is meant the isolation of the patient, and of the persons attending him permanently, and the prohibition of visits by any other person.

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In default of a diplomatic or consular office in the capital, the communications shall be made directly to the government of the country concerned.

SECTION II.—*Merchandise—Disinfection—Importation and Transit—Baggage.*

ARTICLE 11. No merchandise is capable by itself of transmitting plague or cholera. It only becomes dangerous when contaminated by plague or cholera products.

ARTICLE 12. Disinfection shall only be applied to merchandise and articles which the local health authority considers to be contaminated.

However, the merchandise or articles enumerated below may be subjected to disinfection or even prohibited entry independently of any proof that they are or are not contaminated:

1. Body linen, clothing worn (wearing apparel), and bedding which has been used.

When these articles are being transported as baggage or as a result of a change of residence (household goods), they shall not be prohibited and are subject to the provisions of Article 19.

Packages left by soldiers and sailors and returned to their country after death are treated the same as the articles comprised in the first paragraph of No. 1.

2. Rags (including those for making paper), with the exception, as to cholera, of compressed rags transported as wholesale merchandise in hooped bales.

Fresh waste coming directly from spinning mills, weaving mills, manufactories, or bleacheries; artificial wools (shoddy), and fresh paper trimmings shall not be forbidden.

ARTICLE 13. The transit of the merchandise and articles specified under Nos. 1 and 2 of the preceding article shall not be prohibited if they are so packed that they can not be manipulated en route.

Likewise, when the merchandise or articles are transported in such a manner that it is impossible for them to have been in contact with contaminated articles en route, their transit across an infected territorial area shall not constitute an obstacle to their entry into the country of destination.

ARTICLE 14. The merchandise and articles specified under Nos. 1 and 2 of Article 12 shall not be subject to the application of the measures prohibiting entry if it is proven to the authorities of the country of destination that they were shipped at least five days before the beginning of the epidemic.

ARTICLE 15. The mode and place of disinfection, as well as the methods to be employed for the destruction of rats, shall be determined by the authorities of the country of destination. These operations should be performed in such a manner as to cause the least possible injury to the articles.

It shall devolve upon each Nation to determine the question as to the possible payment of damages as a result of disinfection or of the destruction of rats.

If, on the occasion of the taking of measures for the destruction of rats on board vessels, the health authorities should levy a tax either directly or through a society or private individual, the rate of such

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tax must be fixed by a tariff published in advance and so calculated that no profit shall be derived by the Nation or the Health Department from its application as a whole.

ARTICLE 16. Letters and correspondence, printed matter, books, newspapers, business papers, etc. (parcels post not included) shall not be subjected to any restriction or disinfection.

ARTICLE 17. Merchandise, arriving by land or by sea, shall not be detained at frontiers or in ports.

The only measures which it is permissible to prescribe with regard to them are specified in Article 12 hereinabove.

However, if merchandise arriving by sea in bulk or in defective bales has been contaminated during the passage by rats known to be stricken with plague, and if it can not be disinfected, the destruction of the germs may be insured by storing it in a warehouse for a maximum period of two weeks.

It is understood that the application of this last measure shall not entail any delay upon the vessel or any extra expense as a result of the lack of warehouses in the ports.

ARTICLE 18. When merchandise has been disinfected by applying the provisions of Article 12, or temporarily warehoused in accordance with the third paragraph of Article 17, the owner or his representative shall be entitled to demand from the health authority who has ordered the disinfection or storage, a certificate setting forth the measures taken.

ARTICLE 19. *Baggage.*—The disinfection of the soiled linen, wearing apparel, and articles of baggage or furniture (household goods) coming from a territorial area declared to be contaminated shall only take place in cases when the health authority considers them to be contaminated.

SECTION III.—*Measures in ports and at maritime frontiers.*

ARTICLE 20. *Classification of vessels.*—A vessel is considered as *infected* which has plague or cholera on board, or which has presented one or more cases of plague or cholera within seven days.

A vessel is considered as *suspicious* on board of which there were cases of plague or cholera at the time of departure or have been during the voyage, but on which there have been no new cases within seven days.

A vessel is considered as *uninfected* which, although coming from an infected port, has had neither death nor any case of plague or cholera on board either before departure, during the voyage, or at the time of arrival.

ARTICLE 21. Ships *infected with plague* shall be subjected to the following measures:

1. Medical inspection.
2. The patients shall be immediately landed and isolated.
3. The other persons shall also be landed, if possible, and subjected, from the date of their arrival, either to an observation [a] which shall not exceed five days and may be followed or not by a surveil-

[a] By "observation" is meant the isolation of the passengers, either on board a vessel or at a sanitary station, before they are granted pratique.

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lance [a] of five days at most, or simply to a surveillance not to exceed ten days.

It is within the discretion of the health authority of the port to apply whichever of these measures appears preferable to him according to the date of the last case, the condition of the vessel, and the local possibilities.

4. The soiled linen, wearing apparel, and other articles of the crew [b] and passengers which are considered by the health authority as being contaminated shall be disinfected.

5. The parts of the vessel which have been occupied by persons stricken with plague or which are considered by the health authority as being contaminated shall be disinfected.

6. The destruction of the rats on the vessel shall take place before or after the discharge of the cargo as rapidly as possible, and at all events within a maximum period of forty-eight hours, avoiding injury to the cargo, the plating, and the engines.

In the case of vessels in ballast, this operation shall be performed as soon as possible before taking on cargo.

ARTICLE 22. Vessels *suspected of plague* shall be subjected to the measures indicated under Nos. 1, 4, and 5 of Article 21.

Moreover, the crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. The landing of the crew may be forbidden during the same period except in connection with the service.

It is recommended that the rats on the vessel be destroyed. This destruction should be effected before or after the discharge of cargo as rapidly as possible, and at all events within a maximum period of forty-eight hours, avoiding injury to the merchandise, plating, and engines.

In case of vessels in ballast, this operation shall be performed, if there is occasion for it, as soon as possible and at all events before taking on cargo.

ARTICLE 23. Vessels *uninfected with plague* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures which the authority of the port of arrival may prescribe with regard to them shall be the following:

1. Medical inspection.

2. Disinfection of the soiled linen, wearing apparel, and other articles of the crew and passengers, but only in exceptional cases when the health authority has special reason to believe that they are contaminated.

3. Although not to be adopted as a general rule, the health authority may subject vessels coming from a contaminated port to an operation designed to destroy the rats on board, either before or after the discharge of the cargo. This operation should take place as soon as possible and should not in any event last more than twenty-four

[a] By "surveillance" is meant that the passengers are not isolated and that they immediately obtain pratique, but that the attention of the authorities is called to them wherever they go and that they are subjected to a medical examination to ascertain the state of their health.

[b] The term "crew" is applied to all persons who form or have formed part of the crew or of the servants on board the vessel, including stewards, waiters, "cafedji," etc. The term is to be construed in this sense wherever employed in the present Convention.

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hours, avoiding injury to the cargo, plating, and engines, and avoiding hindrance to the movement of the passengers and crew between the vessel and the shore. In case of vessels in ballast, this operation, if there is occasion for it, should take place as soon as possible and at all events before taking on cargo.

When a vessel hailing from a contaminated port has been subjected to an operation for the destruction of rats, this operation shall not be repeated unless the vessel has stopped and moored at a wharf in a contaminated port, or unless the presence of dead or diseased rats is discovered on board.

The crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port. The landing of the crew may also be forbidden during the same time except in connection with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician, or in default of such physician, from the captain, to the effect that there has not been a case of plague on the vessel since its departure and that no unusual mortality among the rats has been observed.

ARTICLE 24. When rats have been recognized as plague-stricken on board an *uninfected* vessel as a result of a bacteriological examination, or when an unusual mortality has been discovered among these rodents, the following measures shall be applied:

I. Vessels with plague-stricken rats:

(*a*) Medical inspection.

(*b*) The rats shall be destroyed either before or after the discharge of the cargo as rapidly as possible and at all events within a maximum period of forty-eight hours, avoiding injury to the cargo, plating, and engines. On vessels in ballast this operation shall be performed as soon as possible and at all events before taking on cargo.

(*c*) The parts of the vessel and the articles which the health authority considers to be contaminated shall be disinfected.

(*d*) The passengers and crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival, save exceptional cases, in which the health authority may prolong the surveillance to a maximum of ten days.

II. Vessels on which an unusual mortality among rats is discovered:

(*a*) Medical inspection.

(*b*) An examination of the rats with regard to the plague shall be made as far and as quickly as possible.

(*c*) If the destruction of the rats is deemed necessary, it shall take place under the conditions indicated above for vessels with plague-stricken rats.

(*d*) Until all suspicion is removed, the passengers and the crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival, save exceptional cases, in which the health authority may prolong the surveillance to a maximum of ten days.

ARTICLE 25. The health authority of the port shall deliver to the captain or to the shipowner or his agent, whenever demanded, a certificate to the effect that the measures for the destruction of rats have been applied and stating the reasons for their application.

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ARTICLE 26. Vessels *infected* with cholera shall be subjected to the following measures:

1. Medical inspection.
2. The patients shall be immediately landed and isolated.
3. The other persons shall likewise be landed, if possible, and subjected, from the date of arrival of the vessel, to an observation or a surveillance whose duration shall vary according to the sanitary condition of the vessel and the date of the last case, without, however, exceeding five days.
4. The soiled linen, wearing apparel, and other articles of the crew and passengers which are considered by the health authority of the port as being contaminated shall be disinfected.
5. The parts of the vessel which have been occupied by cholera patients or which are considered by the health authority as being contaminated shall be disinfected.
6. The bilge-water shall be discharged after disinfection.

The health authority may order the substitution of good drinking water for that stored on board.

It may be forbidden to throw human excrements or allow them to run into the water of a port unless they are previously disinfected.

ARTICLE 27. Vessels *suspected of cholera* shall be subjected to the measures prescribed under Nos. 1, 4, 5, and 6 of Article 26.

The crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. It is recommended that the landing of the crew be prevented during the same period except for purposes connected with the service.

ARTICLE 28. Vessels *uninfected with cholera* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures to which they may be subjected by the health authority of the port of arrival shall be those provided under Nos. 1, 4, and 6 of Article 26.

With regard to the state of their health, the crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port.

It is recommended that the landing of the crew be forbidden during the same period except for purposes connected with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician or, in the absence of such, from the captain, to the effect that there has not been a case of cholera on board since the vessel sailed.

ARTICLE 29. In order to apply the measures indicated in articles 21 to 28, the competent authority shall take account of the presence of a physician and of disinfecting apparatuses (chambers) on board the vessels of the three categories mentioned above.

In regard to plague, he shall likewise take account of the installation on board of apparatus for the destruction of rats.

The health authorities of nations which may deem it suitable to reach an understanding on this point may excuse from the medical inspection and other measures those uninfected vessels which have on board a physician specially commissioned by their country.

ARTICLE 30. Special measures may be prescribed in regard to crowded vessels, especially emigrant vessels or any others presenting bad hygienic conditions.

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ARTICLE 31. Any vessel not desiring to submit to the obligations imposed by the authority of the port by virtue of the stipulations of the present convention shall be free to put to sea again.

It may be permitted to land its cargo after the necessary precautions have been taken, viz:

1. Isolation of the vessel, crew, and passengers.

2. In regard to plague, inquiry as to the existence of an unusual mortality among the rats.

3. In regard to cholera, the discharge of the bilge-water after disinfection and the substitution of good drinking water for that stored on board the vessel.

It may also be permitted to land passengers who so request, upon condition that they submit to the measures prescribed by the local authority.

ARTICLE 32. Vessels hailing from a contaminated port which have been disinfected and subjected to sanitary measures applied in an efficient manner shall not undergo the same measures a second time upon their arrival in a new port provided that no case has appeared since the disinfection took place and that they have not touched at a contaminated port in the meantime.

When a vessel lands only passengers and their baggage, or the mails, without having been in communication with the mainland, it is not to be considered as having touched at the port.

ARTICLE 33. Passengers arriving on an infected vessel shall have the right to demand a certificate of the health authority of the port showing the date of their arrival and the measures to which they and their baggage have been subjected.

ARTICLE 34. Coasting vessels shall be subjected to special measures to be established by mutual agreement among the countries concerned.

ARTICLE 35. Without prejudice to the right which governments possess to agree upon the organization of common sanitary stations, each country shall provide at least one port upon each of its seaboards with an organization and equipment sufficient to receive a vessel, whatever may be its sanitary condition.

When an uninfected vessel hailing from a contaminated port arrives in a large maritime port, it is recommended that she be not sent back to another port for the purpose of having the prescribed sanitary measures executed.

In every country, ports open to the arrival of vessels from ports infected with plague or cholera shall be equipped in such a manner that uninfected vessels may, immediately upon their arrival, undergo the prescribed measures and not be sent for this purpose to another port.

The governments shall make known the ports which are open in their territories to arrivals from ports infected with plague or cholera.

ARTICLE 36. It is recommended that there be established in large maritime ports:

(*a*) A regular medical service of the port and a permanent medical surveillance of the sanitary conditions of the crews and the inhabitants of the port.

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(*b*) Places set apart for the isolation of the sick and the observation of suspected persons.

(*c*) The necessary plants for efficient disinfection, and bacteriological laboratories.

(*d*) A supply of drinking water beyond suspicion for the use of the port, and a system affording all possible security for the carrying off of refuse and sewage.

SECTION IV.—*Measures on land frontiers.—Travelers.—Railroads.—Frontier Zones.—River Routes.*

ARTICLE 37. Land quarantines shall no longer be established.

Persons showing symptoms of plague or cholera shall alone be detained at frontiers.

This principle shall not bar the right of each Nation to close a part of its frontier in case of necessity.

ARTICLE 38. It is important that travelers be subjected to a surveillance on the part of railroad employees with a view to determining the state of their health.

ARTICLE 39. Medical interference is limited to an examination of the passengers and the care to be given to the sick. If such an examination is made, it should be combined as far as possible with the custom house inspection to the end that travelers may be detained as short a time as possible. Only persons who are obviously ill shall be subjected to a thorough medical examination.

ARTICLE 40. As soon as travelers coming from an infected locality shall have arrived at their destination, it would be of the greatest utility to subject them to a surveillance which should not exceed ten or five days from the date of departure, according to whether it is a question of plague or cholera.

ARTICLE 41. The governments reserve the right to take special measures in regard to certain categories of persons, notably gypsies, vagabonds, emigrants, and persons traveling or crossing the frontier in troops.

ARTICLE 42. Cars used for the conveyance of passengers, mail, and baggage shall not be detained at frontiers.

If it should happen that one of these cars is contaminated or has been occupied by a plague or cholera patient, it shall be detached from the train and disinfected as soon as possible.

The same rule shall apply to freight cars.

ARTICLES 43. The measures concerning the crossing of frontiers by railroad and postal employees shall be determined by the companies or departments concerned and shall be so arranged as not to hinder the service.

ARTICLE 44. The regulation of frontier traffic and questions pertaining thereto, as well as the adoption of exceptional measures of surveillance, shall be left to special arrangements between the contiguous nations.

ARTICLE 45. It is the province of the governments of the riparian nations to regulate the sanitary conditions of river routes by means of special arrangements.

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TITLE II.—SPECIAL PROVISIONS APPLICABLE TO COUNTRIES SITUATED OUTSIDE OF EUROPE.

CHAPTER I.—*Arrivals by sea.*

SECTION I.—*Measures in contaminated ports upon the departure of vessels.*

ARTICLE 46. It shall be incumbent upon the competent authority to take effectual measures to prevent the embarkation of persons showing symptoms of plague or cholera.

Every person taking passage on board a vessel shall, at the time of embarkation, be examined individually in the daytime on shore, for the necessary length of time, by a physician delegated by the authorities. The consular officer of the nation to which the ship belongs may be present at this examination.

As an exception to this stipulation, the medical examination may take place on shipboard at Alexandria and Port Said, when the local health authority deems it expedient, provided that the third-class passengers shall not be permitted to leave the vessel. This medical examination may be made at night in the case of first and second class passengers, but not of third-class passengers.

ARTICLE 47. It shall be incumbent upon the competent authorities to take effectual measures:

1. To prevent the exportation of merchandise or any articles which they may consider as contaminated and which have not been previously disinfected on shore under the supervision of the physician delegated by the public authorities.

2. In case of plague, to prevent the access of rats to the vessel.

3. In case of cholera, to see that the drinking water taken on board is wholesome.

SECTION II.—*Measures with respect to ordinary vessels hailing from contaminated northern ports and appearing at the entrance of the Suez Canal or in Egyptian ports.*

ARTICLE 48. Ordinary *uninfected* vessels hailing from a plague or cholera infected port of Europe or the basin of the Mediterranean and presenting themselves for passage through the Suez Canal shall be allowed to pass through in quarantine. They shall continue their route under observation of five days.

ARTICLE 49. Ordinary uninfected vessels wishing to make a landing in Egypt may stop at Alexandria or Port Said, where the passengers shall complete the observation period of five days either on shipboard or in a sanitary station, according to the decision of the local health authority.

ARTICLE 50. The measures to which *infected* or *suspected* vessels shall be subjected which hail from a plague or cholera infected port of Europe or the shores of the Mediterranean, and which desire to effect a landing in one of the Egyptian ports or to pass through the Suez Canal, shall be determined by the Board of Health of Egypt in conformity with the stipulations of the present convention.

The regulations containing these measures shall, in order to become effective, be accepted by the various Powers represented on the

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Board; they shall determine the measures to which vessels, passengers, and merchandise are to be subjected and shall be presented within the shortest possible period.

SECTION III—*Measures in the Red Sea.*

A. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE SOUTH AND APPEARING IN PORTS OF THE RED SEA OR BOUND TOWARD THE MEDITERRANEAN.

ARTICLE 51. Independently of the general provisions contained in Section III, Chapter 2, Title I, concerning the classification of and the measures applicable to infected, suspected, or uninfected vessels, the special provisions contained in the ensuing articles are applicable to ordinary vessels coming from the south and entering the Red Sea.

ARTICLE 52. *Uninfected* vessels must have completed or shall be required to complete an observation period of five full days from the time of their departure from the last infected port.

They shall be allowed to pass through the Suez Canal in quarantine and shall enter the Mediterranean continuing the aforesaid observation period of five days. Ships having a physician and a disinfecting chamber on board shall not undergo disinfection until the passage through in quarantine begins.

ARTICLE 53. Suspected vessels shall be treated differently according to whether they have a physician and a disinfecting apparatus (chamber) on board or not.

(*a*) Vessels having a physician and a disinfecting apparatus (chamber) on board and fulfilling the necessary conditions shall be permitted to pass through the Suez Canal in quarantine under conditions prescribed by the regulations for the passage through.

(*b*) Other suspected vessels having neither physician nor disinfecting apparatus (chamber) on board shall, before being permitted to pass through in quarantine, be detained at Suez or Moses Spring a sufficient length of time to carry out the disinfecting measures prescribed and to ascertain the sanitary condition of the vessel.

In the case of mail vessels or of packets specially utilized for the transportation of passengers and having no disinfecting apparatus (chamber) but having a physician on board, if the local authority is assured by an official declaration that the measures of sanitation and disinfection have been suitably carried out either at the point of departure or during the voyage, the passage through in quarantine shall be allowed.

In the case of mail vessels or of packets specially utilized for the transportation of passengers and having no disinfecting apparatus (chamber) but having a physician on board, if the last case of plague or cholera dates back longer than seven days and if the sanitary condition of the vessel is satisfactory, pratique may be granted at Suez when the operations prescribed by the regulations are completed.

When a vessel has had a run of less than seven days without infection, the passengers destined for Egypt shall be landed at an establishment designated by the Board of Health of Alexandria and isolated a sufficient length of time to complete the observation period of five days. Their soiled linen and wearing apparel shall be disinfected. They shall then receive pratique.

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Vessels having had a run of less than seven days without infection and desiring to obtain pratique in Egypt shall be detained in an establishment designated by the Board of Health of Alexandria for a sufficient length of time to complete the observation period of five days. They shall undergo the measures prescribed for suspected vessels.

When plague or cholera has appeared exclusively among the crew, only the soiled linen of the latter shall be disinfected, but it shall all be disinfected, including that in the living quarters of the crew.

ARTICLE 54. Infected vessels are divided into vessels with a physician and a disinfecting apparatus (chamber) on board, and vessels without a physician and a disinfecting apparatus (chamber).

(*a*) Vessels without a physician and a disinfecting apparatus (chamber) shall be stopped at Moses Spring;[a] persons showing symptoms of plague or cholera shall be landed and isolated in a hospital. The disinfection shall be carried out in a thorough manner. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop. The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected.

It is to be distinctly understood that there shall be no discharge of cargo but simply a disinfection of the part of the vessel which has been infected.

The passengers shall remain for five days in an establishment designated by the Sanitary, Maritime, and Quarantine Board of Egypt. When the cases of plague or cholera date back several days, the length of the isolation shall be diminished. This length shall vary according to the date of the cure, death, or isolation of the last patient. Thus, when the last case of plague or cholera has terminated six days before by a cure or death, or when the last patient has been isolated for six days, the observation shall last one day; if only five days have elapsed, the observation period shall be two days; if only four days have elapsed, the observation period shall be three days; if only three days have elapsed, the observation period shall be four days; if only two days or one day have elapsed, the observation period shall be five days.

(*b*) Vessels with a physician and a disinfecting apparatus (chamber) on board shall be stopped at Moses Spring. The ship's physician must declare, under oath, what persons on board show symptoms of plague or cholera. These patients shall be landed and isolated.

After the landing of these patients, the soiled linen of the rest of the passengers which the health authority may consider as dangerous, as well as that of the crew shall undergo disinfection on board.

When plague or cholera shall have appeared exclusively among the crew, the disinfection of the linen shall be limited to the soiled linen of the crew and the linen of the living apartments of the crew.

The ship's physician shall indicate also, under oath, the part or compartment of the vessel and the section of the hospital in which the patient or patients have been transported. He shall also declare,

[a] The patients shall as far as possible be landed at Moses Spring. The other persons may undergo the observation in a sanitary station designated by the Sanitary, Maritime, and Quarantine Board of Egypt (pilots' lazaretto).

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under oath, what persons have been in contact with the plague or cholera patient since the first manifestation of the disease, either directly or through contact with objects which might be contaminated. Such persons alone shall be considered as suspects.

The part or compartment of the vessel and the section of the hospital in which the patient or patients shall have been transported shall be thoroughly disinfected. By the "part of the ship" shall be understood the cabin of the patient, the neighboring cabins, the corridor upon which these cabins are located, the deck, and the parts of the deck where the patients may have stayed.

If it is impossible to disinfect the part or compartment of the vessel which has been occupied by the persons stricken with plague or cholera without landing the persons declared as suspects, these persons shall be either placed in another vessel specially designated for this purpose or landed and lodged in the sanitary establishment without coming in contact with the patients, who should be placed in the hospital.

The duration of this stay on the vessel or on shore for disinfection shall be as short as possible and shall not exceed twenty-four hours.

The suspects shall undergo, either on their vessel or on the vessel designated for this purpose, an observation period whose duration shall vary according to the cases and under the conditions provided in the third paragraph of subdivision *a*.)

The time taken up by the prescribed operations shall be comprised in the duration of the observation period.

The passage through in quarantine may be allowed before the expiration of the periods indicated above if the health authority deems it possible. It shall at all events be granted when the disinfection has been completed, if the vessel leaves behind not only its patients but also the persons indicated above as "suspects."

A disinfecting chamber placed on a lighter may come alongside the vessel in order to expedite the disinfecting operations.

Infected vessels requesting pratique in Egypt shall be detained at Moses Spring five days; they shall, moreover, undergo the same measures as those adopted for infected vessels arriving in Europe.

B. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE INFECTED PORTS OF HEDJAZ DURING THE PILGRIMAGE SEASON.

ARTICLE 55. If plague or cholera prevails in Hedjaz during the time of the Mecca pilgrimage, vessels coming from Hedjaz or from any other part of the Arabian coast of the Red Sea without having embarked there any pilgrims or similar masses of persons, and which have not had any suspicious occurrence on board during the voyage, shall be placed in the category of ordinary suspected vessels. They shall be subjected to the preventive measures and to the treatment imposed on such vessels.

If they are bound for Egypt they shall undergo, in a sanitary establishment designated by the Sanitary, Maritime, and Quarantine Board, an observation of five days from the date of departure, for cholera as well as for plague. They shall be subjected, moreover, to all the measures prescribed for suspected vessels (disinfection, etc.), and shall not be granted pratique until they have passed a favorable medical examination.

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It shall be understood that if the vessels have had suspicious occurrences during the voyage, they shall pass the observation period at Moses Spring, which shall last five days whether it be a question of plague or cholera.

SECTION IV.—*Organization of the surveillance and of the disinfection at Suez and Moses Spring.*

ARTICLE 56. The medical inspection prescribed by the regulations shall be made on each vessel arriving at Suez by one or more of the physicians of the station, being made in the daytime on vessels hailing from ports infected with plague or cholera. It may, however, be made at night on vessels which present themselves in order to pass through the canal if they are lighted by electricity and whenever the local health authority is satisfied that the lighting facilities are adequate.

ARTICLE 57. The physicians of the Suez station shall be at least seven in number—one chief physician and six others. They must possess a regular diploma and shall be chosen preferably from among physicians who have made special practical studies in epidemiology and bacteriology. They shall be appointed by the Minister of the Interior upon the recommendation of the Sanitary, Maritime, and Quarantine Board of Egypt. They shall receive a salary which shall begin at 8,000 francs and may progressively rise to 12,000 francs for the six physicians, and which shall vary from 12,000 to 15,000 francs for the chief physician.

If the medical service should still prove inadequate, recourse may be had to the surgeons of the navies of the several nations, who shall be placed under the authority of the chief physician of the sanitary station.

ARTICLE 58. A corps of sanitary guards shall be intrusted with the surveillance and the execution of the prophylactic measures applied in the Suez Canal, at the establishment at Moses Spring, and at Tor.

ARTICLE 59. This corps shall comprise ten guards.

It shall be recruited from among former noncommissioned officers of the European and Egyptian armies and navies.

After their competence has been ascertained by the Board, the guards shall be appointed in the manner provided by Article 14 of the Khedival decree of June 19, 1893.

ARTICLE 60. The guards shall be divided into two classes, the first class comprising four guards and the second class comprising six guards.

ARTICLE 61. The annual compensation allowed to the guards shall be:

For the first class, from £160 Eg. to £200 Eg.;

For the second class, from £120 Eg. to £168 Eg.;

With a progressive increase until the maximum is reached.

ARTICLE 62. The guards shall be invested with the character of officers of the public peace, with the right to call for assistance in case of infractions of the sanitary regulations.

They shall be placed under the immediate orders of the Director of the Suez or the Tor Bureau.

They shall be instructed in all the methods and operations of disinfection in vogue, and must understand the manipulation of the

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substances and the handling of the instruments employed for this purpose.

ARTICLE 63. The disinfection and isolation station of Moses Spring is placed under the authority of the chief physician of Suez.

If patients are landed there, two of the physicians of Suez shall be interned there, one to take care of plague or cholera patients, the other to care for the persons not stricken with plague or cholera.

In case there are plague and cholera patients and other sick at the same time, the number of interned physicians shall be increased to three, one for the plague patients, one for the cholera patients, and the third for those sick with other ailments.

ARTICLE 64. The disinfection and isolation station at Moses Spring shall comprise:

1. Three disinfecting chambers, one being placed on a lighter, and the necessary apparatus for the destruction of rats.
2. Two isolation hospitals with twelve beds each, one for plague patients and persons suspected of plague, the other for persons stricken with or suspected of cholera. These hospitals shall be so arranged that the patients, the suspects, the men, and the women shall be isolated from one another in each of them.
3. Huts, hospital tents, and ordinary tents for the landed persons.
4. Bath tubs and shower baths in sufficient number.
5. The necessary buildings for the ordinary services, the medical staff, the guards, etc., a store, and a laundry.
6. A tank of water.
7. The various buildings shall be so arranged as to render impossible all contact among the patients, the infected or suspicious objects, and the other persons.

ARTICLE 65. A machinist shall be specially intrusted with the care of the disinfecting chambers installed at Moses Spring.

SECTION V.—*Passage through the Suez Canal in quarantine.*

ARTICLE 66. The health authority of Suez shall grant the passage through in quarantine, and the Board shall be immediately informed thereof.

In doubtful cases, the decision shall be reached by the Board.

ARTICLE 67. As soon as the permit provided for in the preceding Article is granted, a telegram shall be sent to the authority designated by each Power, the dispatch of the telegram being at the expense of the vessel.

ARTICLE 68. Each Power shall establish penalties against vessels which abandon the route indicated by the captain and unduly approach one of the ports within its territory, cases of *vis major* and enforced sojourn being excepted.

ARTICLE 69. Upon a vessel's being spoken, the captain shall be obliged to declare whether he has on board any gangs of native stokers or of wage-earning employees of any description who are not inscribed on the crew list or the register kept for this purpose.

The following questions in particular shall be asked the captains of all vessels arriving at Suez from the south, and shall be answered under oath:

"Have you any helpers (stokers or other workmen) not inscribed on your crew list or on the special register? What is their nationality? Where did you embark them?"

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The sanitary physicians should ascertain the presence of these helpers and if they discover that any of them are missing they should carefully seek the cause of their absence.

ARTICLE 70. A health officer and two sanitary guards shall board the vessel and accompany her to Port Said. Their duty shall be to prevent communications and see to the execution of the prescribed measures during the passage through the canal.

ARTICLE 71. All embarkations, landings, and transshipments of passengers or cargo are forbidden during the passage through the Suez Canal to Port Said.

However, passengers may embark at Port Said in quarantine.

ARTICLE 72. Vessels passing through in quarantine shall make the trip from Suez to Port Said without putting into dock.

In case of stranding or of being compelled to put into dock, the necessary operations shall be performed by the personnel on board, all communication with the employees of the Suez Canal Company being avoided.

ARTICLE 73. When troops are conveyed through the canal on suspicious or infected vessels passing through in quarantine, the trip shall be made in the daytime only. If it is necessary to stop at night in the canal, the vessels shall anchor in Lake Timsah or the Great Lake.

ARTICLE 74. Vessels passing through in quarantine are forbidden to stop in the harbor of Port Said except in the cases contemplated in articles 71 (paragraph 2) and 75.

The supply and preparation of food on board vessels shall be effected with the means at hand on the vessels.

Stevedores or any other persons who may have gone on board shall be isolated on the quarantine lighter. Their clothing shall there undergo disinfection as per regulations.

ARTICLE 75. When it is absolutely necessary for vessels passing through in quarantine to take on coal at Port Said, they shall perform this operation in a locality affording the necessary facilities for isolation and sanitary surveillance, to be selected by the Board of Health. When it is possible to maintain a strict supervision on board the vessel and to prevent all contact with the persons on board, the coaling of the vessel by the workmen of the port may be permitted. At night the place where the coaling is done should be illuminated by electric lights.

ARTICLE 76. The pilots, electricians, agents of the Company, and sanitary guards shall be put off at Port Said outside of the port between the jetties and thence conducted directly to the quarantine lighter, where their clothing shall undergo disinfection when deemed necessary.

ARTICLE 77. The war vessls hereinafter specified shall enjoy the benefits of the following provisions when passing through the Suez Canal:

They shall be recognized by the quarantine authority as uninfected upon the production of a certificate issued by the physicians on board, countersigned by the commanding officer, and affirming under oath:

a) That there has not been any case of plague or cholera on board either at the time of departure or during the passage.

b) That a careful examination of all persons on board, without any exception, has been made less than twelve hours before the arrival in the Egyptian port, and that it revealed no case of these diseases.

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These vessels shall be exempted from the medical examination and immediately receive pratique, provided a period of five full days has elapsed since their departure from the last infected port.

In case the required period has not elapsed, the vessels may pass through the canal in quarantine without undergoing the medical examination, provided they present the above-mentioned certificate to the quarantine autharities.

The quarantine authorities shall nevertheless have the right to cause their agents to perform the medical examination on board war vessels whenever they deem it necessary.

Suspicious or infected war vessels shall be subjected to the regulations in force.

Only fighting units shall be considered as war vessels, transports and hospital ships falling under the category of ordinary vessels.

ARTICLE 78. The Maritime and Quarantine Board of Egypt is authorized to organize the transit through Egyptian territory by rail of the mails and ordinary passengers coming from infected countries in quarantine trains, under the conditions set forth in Annex I.

SECTION VI.—*Sanitary measures applicable in the Persian Gulf.*

ARTICLE 79. Vessels shall be spoken at the sanitary establishment of the Island of Ormuz before entering the Persian Gulf. According to their sanitary condition and their port of departure, they shall be subjected to the measures prescribed by Section 3, Chapter 2, Title I.

However, vessels which are to go up the Chat-el-Arab shall, if the observation period is not terminated, be permitted to continue their voyage upon condition of passing through the Persian Gulf and up the Chat-el-Arab in quarantine. A chief guard and two sanitary guards, taken on board at Ormuz, shall watch the vessel as far as Bassorah, where a second medical examination shall be made and the necessary disinfections performed.

Pending the organization of the sanitary station of Ormuz, sanitary guards taken from the provisional post established in accordance with Article 82, paragraph 2, shall accompany the vessels passing in quarantine into the Chat-el-Arab and to the establishment situated in the neighborhood of Bassorah.

Vessels which are to touch at Persian ports in order to land passengers and cargo there may perform these operations at Bender-Bouchir.

It is distinctly understood that a vessel which remains uninfected at the expiration of five days from the date on which it left the last port infected with plague or cholera, shall obtain pratique in the ports of the Gulf after it has been ascertained, upon its arrival, that it is uninfected.

ARTICLE 80. Articles 20 to 28 of the present convention are applicable with regard to the classification of the vessels and the measures to be applied to them in the Persian Gulf, with the three following exceptions:

1. The surveillance of the passengers and crew shall always be superseded by an observation of the same duration.

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2. Uninfected vessels shall only obtain pratique upon condition that five full days have elapsed since the time of their departure from the last infected port.

3. In regard to suspected vessels the period of five days for the observation of the crew and passengers shall begin as soon as there is no case of plague or cholera on board.

SECTION VII.—*Sanitary establishments in the Persian Gulf.*

ARTICLE 81. Sanitary establishments shall be constructed under the direction of the Board of Health of Constantinople and at its expense, one on the Island of Ormuz and the other in the neighborhood of Bassorah at a place to be determined upon.

At the sanitary station of the Island of Ormuz there shall be at least two physicians, sanitary agents, sanitary guards, and a complete set of appliances for disinfection and the destruction of rats. A small hospital shall be built.

At the station in the neighborhood of Bassorah there shall be constructed a large lazaretto suitable for a medical service composed of several physicians, and apparatus for the disinfection of merchandise.

ARTICLE 82. The Superior Board of Health of Constantinople, which has the sanitary establishment of Bassorah under its control, shall exercise the same power over that of Ormuz.

Pending the construction of the sanitary establishment of Ormuz, a sanitary post shall be established there under the direction of the Superior Board of Health of Constantinople.

CHAPTER II.—*Arrivals by land.*

SECTION I.—*General rules.*

ARTICLE 83. The measures taken on land routes against arrivals from regions infected with plague or cholera shall conform to the sanitary principles formulated by the present convention.

Modern disinfecting methods shall be substituted for land quarantines. To this end disinfecting chambers and other disinfecting appliances shall be installed at well chosen points along the routes followed by travelers.

The same means shall be employed on railroad lines already built or to be built.

Freight shall be disinfected according to the principles of the present convention.

ARTICLE 84. Each Government shall be free to close, when necessary, a part of its frontiers against passengers and freight at places where the organization of a sanitary supervision is attended with difficulties.

SECTION II.—*Turkish land frontiers.*

ARTICLE 85. The Superior Board of Health of Constantinople shall, without delay, organize the sanitary establishments of Hanikin and Kisil Dizie, near Bayazid, on the Turko-Persian and Turko-Russian frontiers.

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TITLE III.—PROVISIONS SPECIALLY APPLICABLE TO PILGRIMAGES.

CHAPTER I.—*General provisions.*

ARTICLE 86. The provisions of articles 46 and 47 of Title II are applicable to persons and objects to be embarked on a pilgrim ship sailing from a port of the Indian Ocean and Oceania, even if the port is not infected with plague or cholera.

ARTICLE 87. When cases of plague or cholera exist in the port, no embarkation shall be made on pilgrim ships until after the persons, assembled in a group, have been subjected to an observation for the purpose of ascertaining that none of them is stricken with plague or cholera.

It shall be understood that, in executing this measure, each Government may take into account the local circumstances and possibilities.

ARTICLE 88. If local circumstances permit, the pilgrims shall be obliged to prove that they possess the means absolutely necessary to complete the pilgrimage, especially a round-trip ticket.

ARTICLE 89. Steamships shall alone be permitted to engage in the long-voyage transportation of pilgrims, all other vessels being forbidden to engage in this traffic.

ARTICLE 90. Pilgrim ships engaged in coasting trade and used in making the conveyances of short duration called "coasting voyages" shall be subject to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles enounced in the present Convention.

ARTICLE 91. A vessel which does not embark a greater proportion of pilgrims of the lowest class than one per hundred tons' gross burden, in addition to its ordinary passengers (among whom pilgrims of the higher classes may be included), shall not be considered as a pilgrim ship.

ARTICLE 92. Every pilgrim ship, upon entering the Red Sea or the Persian Gulf, must conform to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles set forth in the present convention.

ARTICLE 93. The captain shall be obliged to pay all the sanitary taxes collectible from the pilgrims, which shall be comprised in the price of the ticket.

ARTICLE 94. As far as possible, the pilgrims who land or embark at the sanitary stations should not come in contact with one another at the points of debarkation.

After landing their pilgrims, the vessels shall change their anchorage in order to reembark them.

The pilgrims who are landed shall be sent to the encampment in as small groups as possible.

They must be furnished with good drinking water, whether it is found on the spot or obtained by distillation.

ARTICLE 95. When there is plague or cholera in Hedjaz, the provisions carried by the pilgrims shall be destroyed if the health authority deems it necessary.

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CHAPTER II.—*Pilgrim ships—Sanitary arrangements.*

SECTION I.—*General arrangement of vessels.*

ARTICLE 96. The vessel must be able to lodge pilgrims between decks.

Outside of the crew, the vessel shall furnish to every individual, whatever be his age, a surface of 1.5 square meters (16 English square feet) with a height between decks of about 1.8 meters.

On vessels engaged in coasting trade each pilgrim shall have at his disposal a space of at least 2 meters wide along the gunwales of the vessel.

ARTICLE 97. On each side of the vessel, on deck, there shall be reserved a place screened from view and provided with a hand pump so as to furnish sea water for the needs of the pilgrims. One such place shall be reserved exclusively for women.

ARTICLE 98. In addition to the water-closets for the use of the crew, the vessel shall be provided with latrines flushed with water or provided with a stop cock, in the proportion of at least one latrine for every 100 persons embarked.

There shall be latrines reserved exclusively for women.

There shall be no water-closets between decks or within the hold.

ARTICLE 99. The vessel shall have two places arranged for private cooking by the pilgrims, who shall be forbidden to make a fire elsewhere and especially on deck.

ARTICLE 100. An infirmary regularly fitted up and properly arranged with regard to safety and sanitary conditions shall be reserved for lodging the sick.

It must be able to receive at least 5 per cent of the pilgrims embarked, allowing at least 3 square meters per head.

ARTICLE 101. The vessel shall be provided with the means of isolating persons who show symptoms of plague or cholera.

ARTICLE 102. Every vessel shall have on board the medicines, disinfectants, and articles necessary for the care of the sick. The regulations made for this kind of vessels by each Government shall determine the nature and quantity of the medicines.[a] The care and the remedies shall be furnished gratuitously to the pilgrims.

ARTICLE 103. Every vessel embarking pilgrims shall have on board a physician holding a regular diploma and commissioned by the Government of the country to which the vessel belongs or by the Government of the port in which the vessel takes pilgrims on board. A second physician shall be embarked as soon as the number of pilgrims carried by the vessel exceeds one thousand.

ARTICLE 104. The captain shall be obliged to have handbills posted on board in a position which is conspicuous and accessible to those interested. They shall be in the principal languages of the countries inhabited by the pilgrims embarked, and show:

1. The destination of the vessel.
2. The price of the tickets.
3. The daily ration of water and food allowed to each pilgrim.

[a] It is desirable that each vessel be provided with the principal immunizing agents (antiplague serum, Haffkine vaccine, etc.).

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4. A price list of victuals not comprised in the daily ration and to be paid for extra.

ARTICLE 105. The heavy baggage of the pilgrims shall be registered. numbered, and placed in the hold. The pilgrims shall keep with them only such articles as are absolutely necessary, the regulations made by each Government for its vessels determining the nature, quantity, and dimensions thereof.

ARTICLE 106. The provisions of Chapters I, II (sections I, II, and III), and III of the present title shall be posted, in the form of regulations, in the language of the nationality of the vessel as well as in the principal languages of the countries inhabited by the pilgrims embarked, in a conspicuous and accessible place on each deck and between decks on every vessel carrying pilgrims.

SECTION II.—*Measures to be taken before departure.*

ARTICLE 107. At least three days before departure the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must declare his intention to embark pilgrims to the competent authority of the port of departure. In ports of call the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must make this same declaration twelve hours before the departure of the vessel. This declaration must indicate the intended day of sailing and the destination of the vessel.

ARTICLE 108. Upon the declaration prescribed by the preceding article being made, the competent authority shall proceed to the inspection and measurement of the vessel at the expense of the captain. The consular officer of the country to which the vessel belongs may be present at this inspection.

The inspection only shall be made if the captain is already provided with a certificate of measurement issued by the competent authority of his country, unless it is suspected that the document no longer corresponds to the actual state of the vessel.[a]

ARTICLE 109. The competent authority shall not permit the departure of a pilgrim ship until he has ascertained:

(*a*) That the vessel has been put in a state of perfect cleanliness and, if necessary, disinfected.

(*b*) That the vessel is in a condition to undertake the voyage without danger; that it is properly equipped, arranged, and ventilated; that it is provided with an adequate number of small boats; that it contains nothing on board which is or might become detrimental to the health or safety of the passengers, and that the deck is of wood or of iron covered over with wood.

(*c*) That, in addition to the provisions for the crew, there are provisions and fuel of good quality on board, suitably stored and in sufficient quantity for all the pilgrims and for the entire anticipated duration of the voyage.

(*d*) That the drinking water taken on board is of good quality and from a source protected against all contamination; that there

[a] The competent authority is at present: In British India, an officer designated for this purpose by the local government (Native Passenger Ships Act 1887, Art. 7); in Dutch India, the master of the port; in Turkey, the health authority; in Austria-Hungary, the authority of the port; in Italy, the captain of the port; in France, Tunis, and Spain, the health authority; in Egypt, the quarantine and health authority, etc.

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is a sufficient quantity thereof; that the tanks of drinking water on board are protected against all contamination and closed in such a way that the water can only be let out through the stop cocks or pumps. The devices for letting water out called "suckers" are absolutely forbidden.

(*e*) That the vessel has a distilling apparatus capable of producing at least 5 liters of water per head each day for every person embarked, including the crew.

(*f*) That the vessel has a disinfecting chamber whose safety and efficiency have been ascertained by the health authority of the port of embarkation of the pilgrims.

(*g*) That the crew comprises a physician holding a diploma and commissioned [a] either by the Government of the country to which the vessel belongs or by the Government of the port where the vessel takes on pilgrims, and that the vessel has a supply of medicines, all in conformity with Articles 102 and 103.

(*h*) That the deck of the vessel is free from all cargo and other incumbrances.

(*i*) That the arrangements of the vessel are such that the measures prescribed by Section III hereinafter may be executed.

ARTICLE 110. The captain shall not sail until he has in his possession:

1. A list viséed by the competent authority and showing the name, sex, the total number of the pilgrims whom he is authorized to embark.

2. A bill of health setting forth the name, nationality, and tonnage of the vessel, the name of the captain and of the physician, the exact number of persons embarked (crew, pilgrims, and other passengers), the nature of the cargo, and the port of departure.

The competent authority shall indicate upon the bill of health whether the number of pilgrims allowed by the regulations is reached or not, and, in case it is not reached, the additional number of passengers which the vessel is authorized to embark in subsequent ports of call.

SECTION III.—*Measures to be taken during the passage.*

ARTICLE 111. The deck shall remain free from encumbering objects during the voyage and shall be reserved day and night for the persons on board and be placed gratuitously at their service.

ARTICLE 112. Every day the space between decks should be cleaned carefully and scrubbed with dry sand mixed with disinfectants while the pilgrims are on deck.

ARTICLE 113. The latrines intended for passengers as well as those for the crew should be kept neat and be cleansed and disinfected three times a day.

ARTICLE 114. The excretions and dejections of persons showing symptoms of plague or cholera shall be collected in vessels containing a disinfecting solution. These vessels shall be emptied into the latrines, which shall be thoroughly disinfected after each flushing.

ARTICLE 115. Articles of bedding, carpets, and clothing which have been in contact with the patients mentioned in the preceding Article shall be immediately disinfected. The observance of this rule is especially enjoined with regard to the clothing of persons

[a] Exception is made for governments which have no commissioned physicians.

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who come near to these patients and who may have become contaminated.

Such of the articles mentioned above as have no value shall either be thrown overboard, if the vessel is neither in a port nor a canal, or else destroyed by fire. The others shall be carried to the disinfecting chamber in impermeable sacks washed with a disinfecting solution.

ARTICLE 116. The quarters occupied by the patients and referred to in Article 100 shall be rigorously disinfected.

ARTICLE 117. Pilgrim ships shall be compelled to submit to disinfecting operations in conformity with the regulations in force on the subject in the country whose flag they fly.

ARTICLE 118. The quantity of drinking water allowed daily to each pilgrim free of charge, whatever be his age, shall be at least 5 liters.

ARTICLE 119. If there is any doubt about the quality of the drinking water or any possibility of its contamination either at the place of its origin or during the course of the voyage, the water shall be boiled or otherwise sterilized and the captain shall be obliged to throw it overboard at the first port in which a stop is made and in which he is able to procure a better supply.

ARTICLE 120. The physician shall examine the pilgrims, attend the patients, and see that the rules of hygiene are observed on board. He shall especially:

1. Satisfy himself that the provisions dealt out to the pilgrims are of good quality, that their quantity is in conformity with the obligations assumed, and that they are suitably prepared.

2. Satisfy himself that the requirements of Article 118 relative to the distribution of water are observed.

3. If there is any doubt about the quality of the drinking water, remind the captain in writing of the provisions of Article 119.

4. Satisfy himself that the vessel is maintained in a constant state of cleanliness, and especially that the latrines are cleansed in accordance with the provisions of Article 113.

5. Satisfy himself that the lodgings of the pilgrims are maintained in a healthful condition, and that, in case of transmissible disease, they are disinfected in conformity with Articles 116 and 117.

6. Keep a diary of all the sanitary incidents occurring during the course of the voyage and present this diary to the competent authority of the port of arrival.

ARTICLE 121. The persons intrusted with the care of the plague or cholera patients shall alone have access to them and shall have no contact with the other persons on board.

ARTICLE 122. In case of a death occurring during the voyage, the captain shall make note of the death opposite the name on the list viséed by the authority of the port of departure, besides entering on his journal the name of the deceased person, his age, where he comes from, the presumable cause of his death according to the physician's certificate, and the date of the death.

In case of death by a transmissible disease, the body shall be wrapped in a shroud saturated with a disinfecting solution and thrown overboard.

ARTICLE 123. The captain shall see that all the prophylactic measures executed during the voyage are recorded in the ship's journal.

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This journal shall be presented by him to the competent authority of the port of arrival.

In each port of call the captain shall have the list prepared in accordance with Article 110 viséed by the competent authority.

In case a pilgrim is landed during the course of the voyage, the captain shall note the fact on the list opposite the name of the pilgrim.

In case of an embarkation, the persons embarked shall be mentioned on this list in conformity with the aforementioned Article 110 and before it is viséed again by the competent authority.

ARTICLE 124. The bill of health delivered at the port of departure shall not be changed during the course of the voyage.

It shall be viséed by the health authority of each port of call, who shall note thereon:

1. The number of passengers landed or embarked in the port.
2. The incidents occurring at sea and affecting the health or life of the persons on board.
3. The sanitary condition of the port of call.

SECTION IV.—*Measures to be taken on the arrival of pilgrims in the Red Sea.*

A. SANITARY MEASURES APPLICABLE TO MUSSULMAN-PILGRIM SHIPS HAILING FROM AN INFECTED PORT AND BOUND FROM THE SOUTH TOWARD HEDJAZ.

ARTICLE 125. Pilgrim ships hailing from the south and bound for Hedjaz shall first stop at the sanitary station of Camaran, where they shall be subjected to the measures prescribed by Articles 126 to 128.

ARTICLE 126. Vessels recognized as *uninfected* after a medical inspection shall obtain pratique when the following operations are completed:

The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed toward Hedjaz.

For plague, the provisions of Articles 23 and 24 shall be applied with regard to the rats which may be found on board the vessels.

ARTICLE 127. *Suspicious* vessels on board of which there were cases of plague or cholera at the time of departure but on which there has been no new case of plague or cholera for seven days, shall be treated in the following manner:

The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected.

In time of cholera the bilge water shall be changed.

The parts of the vessel occupied by the patients shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

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If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed to Djeddah, where a second medical inspection shall take place on board. If the result thereof is favorable, and on the strength of a written affidavit by the ship's physician to the effect that there has been no case of plague or cholera during the passage, the pilgrims shall be immediately landed.

If, on the contrary, one or more real or suspected cases of plague or cholera have been discovered during the voyage or at the time of arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the measures applicable to infected vessels.

For plague, the provisions of Article 22, third paragraph, shall be applied with regard to the rats which may be found on board the vessels.

ARTICLE 128. *Infected vessels*, that is, those having cases of plague or cholera on board or having had cases of plague or cholera within seven days, shall undergo the following treatment:

The persons stricken with plague or cholera shall be landed and isolated in the hospital. The other passengers shall be landed and isolated in groups comprising as few persons as possible, so that the whole number may not be infected by a particular group if plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected in a thorough manner.

However, the local health authority may decide that the discharge of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need be disinfected.

The passengers shall remain at the Camaran establishment seven or five days, according to whether it is a question of plague or cholera. When cases of plague or cholera date back several days, the length of the isolation may be diminished. This length may vary according to the date of appearance of the last case and the decision of the health authority.

The vessel shall then proceed to Djeddah, where an individual and rigorous medical inspection shall be made. If the result thereof is favorable, the vessel shall obtain pratique. If, on the contrary, real cases of plague or cholera have appeared on board during the voyage or at the time of arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the treatment applicable to infected vessels.

For plague, the measures prescribed by Article 21 shall be applied with regard to the rats which may be found on board the vessels.

1. The Camaran Station.

ARTICLE 129. The following conditions shall exist at the Camaran station:

The island shall be completely vacated by its inhabitants.

In order to insure the safety and facilitate the movement of vessels in the bay of Camaran Island—

1. Buoys and beacons shall be installed in sufficient number.

2. A mole or quay shall be constructed to land passengers and baggage.

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3. A separate flying bridge shall be arranged for the embarkation of the pilgrims of each camp.

4. A steam tug and a sufficient number of barges shall be provided in order to land and embark the pilgrims.

ARTICLE 130. The landing of the pilgrims from infected vessels shall be effected with the means on board. If these means are inadequate, the persons and the barges which have assisted in the landing must undergo the same treatment as the pilgrims and the infected vessel.

ARTICLE 131. The sanitary station shall comprise the following installations and equipment:

1. A system of railway tracks connecting the landing places with the administrative and disinfecting quarters as well as with the buildings used for the various services and with the camps.

2. Quarters for the administrative office and for the personnel of the sanitary and other services.

3. Buildings for the disinfection and washing of wearing apparel and other articles.

4. Buildings in which the pilgrims shall be subjected to shower or sea baths while their clothing in use is being disinfected.

5. Hospitals separated for the two sexes and completely isolated:

(*a*) For the observation of suspects;
(*b*) For plague patients;
(*c*) For cholera patients;
(*d*) For patients stricken with other contagious diseases;
(*e*) For those sick with ordinary diseases.

6. Camps suitably separated from one another, the distance between them being as great as possible. The lodgings intended for pilgrims shall be constructed on the best hygienic principles and shall not contain over twenty-five persons.

7. A well situated cemetery, remote from all habitations, without contact with any sheet of underground water, and drained half a meter below the level of the graves.

8. Steam disinfecting chambers in sufficient number and combining all the elements of safety, efficiency, and rapidity. Apparatuses for the destruction of rats.

9. Atomizers, disinfecting chambers, and the appliances necessary for chemical disinfection.

10. Machines for distilling water, apparatus for the sterilization of water by heat, and machines for manufacturing ice. For the distribution of the drinking water: Pipes and closed, tight tanks capable of being emptied only by stop-cocks or pumps.

11. A bacteriological laboratory with the necessary personnel.

12. A set of movable night-soil cans for receiving the previously disinfected fecal matters and spreading them over one of the most distant parts of the island from the camps, care being taken that these dumping grounds are properly managed from a hygienic standpoint.

13. All dirty water shall be removed from the camps and shall neither be allowed to stagnate nor be used in preparing food. The waste waters coming from hospitals shall be disinfected.

ARTICLE 132. The health authority shall provide a building for the food supplies and one for the fuel in each camp.

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The schedule of prices fixed by the competent authority shall be posted up in several places in the camp in the principal languages of the countries inhabited by the pilgrims.

The camp physician shall each day inspect the quality of the victuals and see that there is a sufficient supply thereof.

Water shall be furnished free of charge.

2. Stations of Abou-Ali, Abou-Saad, Djeddah, Vasta, and Yambo.

ARTICLE 133. The sanitary stations of Abou-Ali, Abou-Saad, and Vasta, as well as those of Djeddah and Yambo, shall fulfill the following conditions:

1. At Abou-Ali there shall be established four hospitals—two for plague patients (male and female) and two for cholera patients (male and female).
2. At Vasta a hospital for ordinary patients shall be created.
3. At Abou-Saad and Vasta stone lodgings with a capacity of fifty persons each shall be constructed.
4. Three disinfecting chambers shall be located at Abou-Ali, Abou-Saad, and Vasta, with laundries, accessories, and apparatus for the destruction of rats.
5. Shower baths shall be established at Abou-Saad and Vasta.
6. On each of the islands of Abou-Saad and Vasta there shall be installed distilling apparatus capable of furnishing altogether fifteen tons of water a day.
7. The measures with regard to fecal matters and dirty water shall be regulated in accordance with the rules adopted for Camaran.
8. A cemetery shall be established in one of the islands.
9. The sanitary arrangements at Djeddah and Yambo provided for in Article 150 shall be installed, and especially the disinfecting chambers and other means of disinfection for pilgrims leaving Hedjaz.

ARTICLE 134. The rules prescribed for Camaran with regard to food supplies and water shall be applicable to the camps of Abou-Ali, Abou-Saad, and Vasta.

B. SANITARY MEASURES APPLICABLE TO MUSSULMAN-PILGRIM SHIPS HAILING FROM THE NORTH AND BOUND TOWARD HEDJAZ.

ARTICLE 135. If plague or cholera is not known to exist in the port of departure or its neighborhood, and if no case of plague or cholera has occurred during the passage, the vessel shall be immediately granted pratique.

ARTICLE 136. If plague or cholera is known to exist in the port of departure or its vicinity, or if a case of plague or cholera has occurred during the voyage, the vessel shall be subjected at Tor to the rules established for vessels coming from the south and stopping at Camaran. The vessels shall thereupon be granted pratique.

SECTION V.—*Measures to be taken upon the return of pilgrims.*

A. PILGRIM SHIPS RETURNING NORTHWARD.

ARTICLE 137. Every vessel bound for Suez or for a Mediterranean port, having on board pilgrims or similar masses of persons, and hailing from a port of Hedjaz or from any other port on the Arabian

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coast of the Red Sea, must repair to Tor in order to undergo there the observation and the sanitary measures indicated in Articles 141 to 143.

ARTICLE 138. Vessels bringing Mussulman pilgrims back toward the Mediterranean shall pass through the canal in quarantine only.

ARTICLE 139. The agents of navigation companies and captains are warned that, after completing their observation period at the sanitary station of Tor, the Egyptian pilgrims will alone be permitted to leave the vessel permanently in order to return thereupon to their homes.

Only those pilgrims will be recognized as Egyptians or as residents of Egypt who are provided with a certificate of residence issued by an Egyptian authority and conforming to the established model. Samples of this certificate shall be deposited with the consular and health authorities of Djeddah and Yambo, where the agents and captains of vessels can examine them.

Pilgrims other than Egyptians, such as Turks, Russians, Persians, Tunisians, Algerians, Moroccans, etc., can not be landed in an Egyptian port after leaving Tor. Consequently, navigation agents and captains are warned that the transshipment of pilgrims not residents of Egypt at Tor, Suez, Port Said, or Alexandria is forbidden.

Vessels having pilgrims on board who belong to the nationalities mentioned in the foregoing paragraph shall be subject to the rules applicable to these pilgrims and shall not be received in any Egyptian port of the Mediterranean.

ARTICLE 140. Before being granted pratique, Egyptian pilgrims shall undergo an observation of three days and a medical examination at Tor, Souakim, or any other station designated by the Board of Health of Egypt.

ARTICLE 141. If plague or cholera is known to exist in Hedjaz or in the port from which the vessel hails, or if it has existed in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for infected vessels.

The persons stricken with plague or cholera shall be landed and isolated in the hospital. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the baggage and cargo suspected of contamination shall be landed and disinfected. Their disinfection as well as that of the vessel shall be thorough.

However, the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need undergo disinfection.

The measures provided by Articles 21 and 24 shall be applied with regard to the rats which may be found on board.

All the pilgrims shall be subjected to an observation of seven full days from the day on which the disinfecting operations are completed, whether it be a question of plague or of cholera. If a case of plague or cholera has appeared in one section, the period of seven days shall not begin for this section until the day on which the last case was discovered.

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ARTICLE 142. In the case contemplated in the preceding Article, the Egyptian pilgrims shall be subjected, besides, to an additional observation of three days.

ARTICLE 143. If plague or cholera is not known to exist either in Hedjaz or in the port from which the vessel hails, and has not been known to exist in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for uninfected vessels.

The pilgrims shall be landed and take a shower or sea bath, and their soiled linen or the part of their wearing apparel and baggage which may appear suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including the debarkation and embarkation, shall not exceed seventy-two hours.

However, a pilgrim ship belonging to one of the nations which have adhered to the stipulations of the present and the previous conventions, if it has had no plague or cholera patients during the course of the voyage from Djeddah to Yambo or Tor and if the individual medical examination made at Tor after debarkation establishes the fact that it contains no such patients, may be authorized by the Board of Health of Egypt to pass through the Suez Canal in quarantine even at night when the four following conditions are fulfilled:

1. Medical attendance shall be given on board by one or several physicians commissioned by the governments to which the vessel belongs.

2. The vessel shall be provided with disinfecting chambers and it shall be ascertained that the soiled linen has been disinfected during the course of the voyage.

3. It shall be shown that the number of pilgrims does not exceed that authorized by the pilgrimage regulations.

4. The captain shall bind himself to repair directly to a port of the country to which the vessel belongs.

The medical examination shall be made as soon as possible after debarkation at Tor.

The sanitary tax to be paid to the quarantine administration shall be the same as the pilgrims would have paid had they remained in quarantine three days.

ARTICLE 144. A vessel which has had a suspicious case on board during the voyage from Tor to Suez shall be sent back to Tor.

ARTICLE 145. The transshipment of pilgrims is strictly forbidden in Egyptian ports.

ARTICLE 146. Vessels leaving Hedjaz and having on board pilgrims who are bound for a port on the African shore of the Red Sea shall be authorized to proceed directly to Souakim or to such other place as the Board of Health of Alexandria may determine, where they shall submit to the same quarantine procedure as at Tor.

ARTICLE 147. Vessels hailing from Hedjaz or from a port on the Arabian coast of the Red Sea with a clean bill of health, having no pilgrims or similar groups of people on board, and which have had no suspicious occurrence during the voyage, shall be granted pratique at Suez after a favorable medical inspection.

ARTICLE 148. When plague or cholera shall have been proven to exist in Hedjaz:

1. Caravans composed of Egyptian pilgrims shall, before going to Egypt, undergo at Tor a rigid quarantine of seven days in case of

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cholera or plague. They shall then undergo an observation of three days at Tor, after which they shall not be granted pratique until a favorable medical inspection has been made and their belongings have been disinfected.

2. Caravans composed of foreign pilgrims who are about to return to their homes by land routes shall be subjected to the same measures as the Egyptian caravans and shall be accompanied by sanitary guards to the edge of the desert.

ARTICLE 149. When plague or cholera has not been observed in Hedjaz, the caravans of pilgrims coming from Hedjaz by way of Akaba or Moila shall, upon their arrival at the canal or at Nakhel, be subjected to a medical examination and their soiled linen and wearing apparel shall be disinfected.

B. PILGRIMS RETURNING SOUTHWARD.

ARTICLE 150. Sufficiently complete sanitary arrangements shall be installed in the ports of embarkation of Hedjaz in order to render possible the application, to pilgrims who have to travel southward in order to return to their homes, of the measures which are obligatory by virtue of Articles 46 and 47 at the moment of departure of these pilgrims in the ports situated beyond the Straits of Bab-el-Mandeb.

The application of these measures is optional; that is, they are only to be applied in those cases in which the consular officer of the country to which the pilgrim belongs, or the physician of the vessel on which he is about to embark, deems them necessary.

CHAPTER III.—*Penalties.*

ARTICLE 151. Every captain convicted of not having conformed, in the distribution of water, provisions, or fuel, to the obligations assumed by him, shall be liable to a fine of two Turkish pounds.[a] This fine shall be collected for the benefit of the pilgrim who shall have been the victim of the default, and who shall prove that he has vainly demanded the execution of the agreement made.

ARTICLE 152. Every infraction of Article 104 shall be punished by a fine of thirty Turkish pounds.

ARTICLE 153. Every captain who has committed or who has knowingly permitted any fraud whatever concerning the list of pilgrims or the bill of health provided for in Article 110 shall be liable to a fine of fifty Turkish pounds.

ARTICLE 154. Every captain of a vessel arriving without a bill of health from the port of departure, or without a visé from the ports of call, or who is not provided with the list required by the regulations and regularly kept in accordance with Articles 110, 123, and 124, shall be liable in each case to a fine of twelve Turkish pounds.

ARTICLE 155. Every captain convicted of having or having had on board more than 100 pilgrims without the presence of a commissioned physician in conformity with the provisions of Article 103 shall be liable to a fine of thirty Turkish pounds.

ARTICLE 156. Every captain convicted of having or having had on board a greater number of pilgrims than that which he is author-

[a] The Turkish pound is worth 22 francs and 50 centimes.

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ized to embark in conformity with the provisions of Article 110 shall be liable to a fine of five Turkish pounds for each pilgrim in excess.

The pilgrims in excess of the regular number shall be landed at the first station at which a competent authority resides, and the captain shall be obliged to furnish the landed pilgrims with the money necessary to pursue their voyage to their destination.

ARTICLE 157. Every captain convicted of having landed pilgrims at a place other than their destination, except with their consent or excepting cases of *vis major*, shall be liable to a fine of twenty Turkish pounds for each pilgrim wrongfully landed.

ARTICLE 158. All other infractions of the provisions relative to pilgrim ships are punishable by a fine of from 10 to 100 Turkish pounds.

ARTICLE 159. Every violation proven in the course of a voyage shall be noted on the bill of health as well as on the list of pilgrims. The competent authority shall draw up a report thereof and deliver it to the proper party.

ARTICLE 160. In Ottoman ports, violations of the provisions concerning pilgrim ships shall be proven and the fine imposed by the competent authority in conformity with Articles 173 and 174.

ARTICLE 161. All agents called upon to assist in the execution of the provisions of the present convention with regard to pilgrim ships are liable to punishment in conformity with the laws of their respective countries in case of faults committed by them in the application of the said provisions.

TITLE IV.—SURVEILLANCE AND EXECUTION.

I.—*The Sanitary, Maritime, and Quarantine Board of Egypt.*

ARTICLE 162. The stipulations of Annex III of the Sanitary Convention of Venice of January 30, 1892, concerning the composition, rights and duties, and operation of the Sanitary, Maritime, and Quarantine Board of Egypt, are confirmed as they appear in the decrees of His Highness the Khedive under date of June 19, 1893, and December 25, 1894, as well as in the ministerial decision of June 19, 1894.

The said decrees and decision are annexed to the present convention.

ARTICLE 163. The ordinary expenses resulting from the provisions of the present convention, especially those relating to the increase of the personnel belonging to the Sanitary, Maritime, and Quarantine Board of Egypt, shall be covered by means of an annual supplementary payment by the Egyptian Government of the sum of 4,000 Egyptian pounds, which may be taken from the surplus revenues from the light-house service remaining at the disposal of said Government.

However, the proceeds of a supplementary quarantine tax of 10 tariff dollars per pilgrim to be collected at Tor shall be deducted from this sum.

In case the Egyptian Government should find difficulty in bearing this share of the expenses, the Powers represented in the Board of Health shall reach an understanding with the Khedival Government in order to insure the participation of the latter in the expenses contemplated.

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ARTICLE 164. The Sanitary, Maritime, and Quarantine Board of Egypt shall undertake the task of bringing the provisions of the present convention into conformity with the regulations at present enforced by it in regard to the plague, cholera, and yellow fever, as well as with the regulations relative to arrivals from the Arabian ports of the Red Sea during the pilgrim season.

To the same end it shall, if necessary, revise the general regulations of the sanitary, maritime, and quarantine police at present in force.

These regulations, in order to become effective, must be accepted by the various Powers represented on the Board.

II.—*The Superior Board of Health of Constantinople.*

ARTICLE 165. The Superior Board of Health of Constantinople shall decide on the measures to be adopted in order to prevent the introduction of epidemic diseases into the Ottoman Empire and their transmission to foreign countries.

ARTICLE 166. The number of Ottoman delegates to the Superior Board of Health who shall take part in the voting of the Board is fixed at four members, namely:

The President of the Board or, in his absence, the person presiding over the meeting. They shall not take part in the voting except in case of a tie.

The Inspector General of the Sanitary Services.

The Service Inspector.

The Delegate acting as intermediary between the Board and the Sublime Port, called Mouhassebedgi.

ARTICLE 167. The appointment of the Inspector General, of the Service Inspector, and of the aforementioned Delegate, who are designated by the Board, shall be ratified by the Ottoman Government.

ARTICLE 168. The High Contracting Parties recognize the right of Roumania, as a maritime power, to be represented on the Board by one delegate.

ARTICLE 169. The delegates of the various nations shall be physicians holding regular diplomas from a European faculty of medicine and citizens or subjects of the country which they represent, or consular officers of the grade of vice-consul at least or an equivalent grade.

The delegates shall have no connection of any kind with the local authorities or with a maritime company.

These provisions do not apply to the present incumbents.

ARTICLE 170. The decisions of the Superior Board of Health, reached by a majority of the members who compose it, are of an executory character and without appeal.

The signatory governments agree that their representatives at Constantinople shall be instructed to notify the Ottoman Government of the present convention and to endeavor to obtain its accession thereto.

ARTICLE 171. The enforcement and surveillance of the provisions of the present convention with regard to pilgrimages and to measures against the invasion and propagation of plague and cholera are intrusted, within the scope of the jurisdiction of the Superior Board of Health of Constantinople, to a committee appointed entirely from among the members of this Board and composed of representatives

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of the various Powers which shall have adhered to the present convention.

The number of representatives of Turkey on this committee shall be three, one of them being president thereof. In case of a tie in voting, the president shall have the casting vote.

ARTICLE 172. A corps of diplomaed physicians, disinfectors, and skilled mechanics, as well as of sanitary guards recruited from among persons who have performed military service as officers or noncommissioned officers, shall be created for the purpose of insuring the proper operation, under the direction of the Superior Board of Health of Alexandria, of the various sanitary establishments enumerated in and instituted by the present convention.

ARTICLE 173. The health authority of the Ottoman port of call or arrival who discovers a violation of the regulations, shall draw up a report thereof, on which the captain may enter his observations. A certified copy of this report shall be transmitted, at the port of call or arrival, to the consular officer of the country whose flag the vessel flies. The latter officer shall see that the fine is deposited with him. In the absence of a consul, the health authority shall receive this fine on deposit. The fine shall not be finally credited to the Superior Board of Health of Constantinople until the consular commission referred to in the following Article has pronounced upon the validity of the fine.

A second copy of the certified report shall be transmitted by the health authority who has discovered the violation to the President of the Board of Health of Constantinople, who shall communicate the document to the Consular Commission.

A minute shall be made on the bill of health by the health or consular authority, noting the violation discovered and the deposit of the fine.

ARTICLE 174. At Constantinople there shall be created a Consular Commission to pass judgment upon the contradictory declarations of the health officer and the captain under charge. It shall be appointed each year by the consular corps. The Health Department may be represented by an agent acting as public prosecutor. The consul of the nation interested shall always be summoned and shall be entitled to vote.

ARTICLE 175. The expenses of the establishment, within the jurisdiction of the Superior Board of Health of Constantinople, of the permanent and temporary sanitary posts contemplated by the present convention, shall be borne by the Ottoman Government as far as the construction of buildings is concerned. The Superior Board of Health of Constantinople is authorized, if there is urgent need, to advance the necessary sums out of the reserve fund; these sums shall be furnished it upon demand by "the Mixed Commission in charge of the revision of the sanitary tariff." It shall, in this case, see to the construction of these establishments.

The Superior Board of Health of Constantinople shall organize without delay the sanitary establishments of Hanikin and Kisil-Dizie, near Bayazid, upon the Turko-Persian and Turko-Russian frontiers, by means of the funds which are henceforth placed at its disposal.

The other expenses arising, within the jurisdiction of the said Board, in connection with the measures prescribed by the present

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convention, shall be divided between the Ottoman Government and the Superior Board of Health of Constantinople, in conformity with the understanding reached between the Government and the Powers represented on this Board.

III.—*The International Health Board of Tangier.*

ARTICLE 176. In the interest of public health, the High Contracting Parties agree that their representatives in Morocco shall again invite the attention of the International Health Board of Tangier to the necessity of enforcing the provisions of the sanitary conventions.

IV.—*Miscellaneous Provisions.*

ARTICLE 177. Each Government shall determine the means to be employed for disinfection and for the destruction of rats.[a]

ARTICLE 178. The proceeds from the sanitary taxes and fines shall in no case be employed for objects other than those within the scope of the Boards of Health.

ARTICLE 179. The High Contracting Parties agree to have a set of instructions prepared by their health departments for the purpose of

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[a] The following modes of disinfection are given by way of suggestion:

Old clothing, old rags, infected materials used in dressing wounds, paper, and other objects without value should be destroyed by fire.

Wearing apparel, bedding, and mattresses contaminated by plague bacilli are positively disinfected—

By passing them through a disinfecting chamber using steam under pressure, or through a chamber with flowing steam at 100° C.

By exposure to vapors of formol.

Objects which may, without damage, be immersed in antiseptic solutions (bed covers, underclothes, sheets) may be disinfected by means of solutions of sublimate in the proportion of 1 per 1,000, of phenic acid in the proportion of 3 per 100, of lysol and commercial cresyl in the proportion of 3 per 100, of formol in the proportion of 1 per 100 (one part of the commercial solution of formaldehyde in the proportion of 40 per 100), or by means of alcaline hypochlorites (of soda, postassium) in the proportion of 1 per 100, that is, one part of the usual commercial hypochlorite.

It goes without saying that the time of contact should be long enough to allow dried up germs to be penetrated by the antiseptic solutions, four to six hours being sufficient.

For the destruction of rats three methods are at present employed:

1. That using sulphurous acid mixed with a small quantity of sulphuric anhydride, which is forced under pressure into the holds, stirring the air up. This causes the death of the rats and insects, and destroys the plague bacilli at the same time when the content of sulphuro-sulphuric anhydride is sufficiently great.

2. The process by which a noncombustible mixture of carbon monoxid and carbon dioxid is sent into the holds.

3. The process which utilizes carbonic acid in such a way that the content of this gas in the air of the vessel is about 30 per cent.

The last two procedures cause the death of the rodents, but are not claimed to kill the insects and plague bacilli.

The technical committee of the Paris Sanitary Conference of 1903 suggested the following three remedies, viz, a mixture of sulphuro-sulphuric anhydride, a mixture of carbon monoxid and carbonic acid, and carbonic acid, as being among those to which the governments might have recourse, and it was of opinion that, in case they were not used by the health department itself, the latter ought to supervise each operation and ascertain that the rats have been destroyed.

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enabling captains of vessels, especially when there is no physician on board, to enforce the provisions contained in the present convention with regard to plague and cholera, as well as the regulations relative to yellow fever.

V.—*The Persian Gulf.*

ARTICLE 180. The expenses of construction and maintenance of the sanitary station whose creation at the Island of Ormuz is provided for by Article 81 of the present convention shall be borne by the Superior Board of Health of Constantinople. The mixed committee of revision of the said Board shall meet as soon as possible in order to furnish it, upon its demand, the necessary funds from the available reserves.

VI.—*An International Health Bureau.*

ARTICLE 181. The Conference having taken note of the annexed conclusions of its committee on ways and means regarding the creation of an international health bureau at Paris, the French Government shall, when it judges it opportune, submit propositions to this effect through diplomatic channels to the nations represented at the Conference.

TITLE V.—YELLOW FEVER.

ARTICLE 182. It is recommended that the countries interested modify their sanitary regulations so as to bring them into accord with the latest scientific data regarding the mode of transmission of yellow fever, and especially regarding the part played by mosquitoes as vehicles of the germs of the disease.

TITLE VI.—ADHESIONS AND RATIFICATIONS.

ARTICLE 183. The governments which have not signed the present convention shall be permitted to adhere thereto upon request. Notice of this adhesion shall be given through diplomatic channels to the Government of the French Republic and by the latter to the other signatory governments.

ARTICLE 184. The present convention shall be ratified and the ratifications thereof deposited at Paris as soon as possible.

It shall be enforced as soon as it shall have been proclaimed in conformity with the legislation of the signatory nations. In the respective relations of the Powers which shall have ratified it, it shall supersede the international sanitary conventions signed January 30, 1892; April 15, 1893; April 3, 1894; and March 19, 1897.

The previous arrangements enumerated above shall remain in force with regard to the Powers which, having signed or adhered to them, may not ratify or accede to the present act.

In witness whereof the respective Plenipotentiaries have signed the present convention and affixed thereto their seals.

Done at Paris on December 3, 1903, in a single copy, which shall remain deposited in the archives of the Government of the French

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Republic, and of which certified copies shall be transmitted through diplomatic channels to the Contracting Powers.

[L. S.]	Signed: GROEBEN.
[L. S.]	Signed: BUMM.
[L. S.]	Signed: GAFFKY.
[L. S.]	Signed: NOCHT.
[L. S.]	Signed: SUZZARA.
[L. S.]	Signed: EBNER.
[L. S.]	Signed: Dr. DAIMER.
[L. S.]	Signed: CHYZER.
[L. S.]	Signed: ROEDIGER.
[L. S.]	Signed: E. BECO.
[L. S.]	Signed: GABRIEL DE PIZA.
[L. S.]	Signed: Marquis DE NOVALLAS.
[L. S.]	Signed: H. D. GEDDINGS.
[L. S.]	Signed: FRANK ANDERSON.
[L. S.]	Signed: CAMILLE BARRÈRE.
[L. S.]	Signed: GEORGES LOUIS.
[L. S.]	Signed: P. BROUARDEL.
[L. S.]	Signed: HENRI MONOD.
[L. S.]	Signed: Dr. ROUX.
[L. S.]	Signed: J. DE CAZOTTE.
[L. S.]	Signed: MAURICE DE BUNSEN.
[L. S.]	Signed: THÉODORE THOMSON.
[L. S.]	Signed: FRANK G. CLEMOW.
[L. S.]	Signed: ARTHUR D. ALBAN.
[L. S.]	Signed: N. DELYANNI.
[L. S.]	Signed: S. CLADO.
[L. S.]	Signed: ROCCO SANTOLIQUIDO.
[L. S.]	Signed: PAULUCCI DE' CALBOLI.
[L. S.]	Signed: ADOLFO COTTA.
[L. S.]	Signed: VANNERUS.
[L. S.]	Signed: SUZZARA.
[L. S.]	Signed: W. WELDEREN RENGERS.
[L. S.]	Signed: W. RUIJSCH.
[L. S.]	Signed: Dr. C. STÉKOULIS.
[L. S.]	Signed: A. PLATE.
[L. S.]	Signed: NAZARE AGA.
[L. S.]	Signed: J. J. DA SILVA AMADO.
[L. S.]	Signed: G. G. GHIKA.
[L. S.]	Signed: Dr. J. CANTACUZENE.
[L. S.]	Signed: PLATON DE WAXEL.
[L. S.]	Signed: MICHEL POPOVITCH.
[L. S.]	Signed: LARDY.
[L. S.]	Signed: Dr. SCHMID.
[L. S.]	Signed: M. CHÉRIF.
[L. S.]	Signed: MARC ARMAND RUFFER.

A true copy.

[SEAL.] DELCASSÉ,

Minister of Foreign Affairs of the French Republic.

And whereas the said Convention was duly ratified by the Government of the United States of America, by and with the advice and

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consent of the Senate thereof, and by the Governments aforesaid with the exception of Spain, Greece, Portugal, Servia and Egypt; and their ratifications were, in pursuance of Article 184 of the said Convention, deposited with the Government of the French Republic at Paris on April 6, 1907;

And whereas, the ratification of the United States of America was so deposited with the following declaration, to wit: "That there is occasion to substitute in the United States 'observation' for 'surveillance' in the cases contemplated in Article 21 and following articles, by reason of the special legislation of the several States of the Union."

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof, subject to the aforesaid declaration.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this eighteenth day of May, in the year of our Lord one thousand nine hundred and seven and of the Independence of the United States of America the one hundred and thirty-first.

[SEAL.] THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

[Translation.]

PROCÈS-VERBAL OF THE DEPOSIT OF THE RATIFICATIONS OF THE INTERNATIONAL SANITARY CONVENTION SIGNED AT PARIS DECEMBER 3, 1903.

In execution of Article 184 of the International Sanitary Convention of December 3, 1903, the undersigned, representatives of the cosignatory Powers, to wit: H. S. H. Prince Radolin, Ambassador of Germany; His Exc. Count de Khevenhüller-Metsch, Ambassador of Austria-Hungary; M. Leghait, Minister of Belgium; M. de Piza, Minister of Brazil; H. Exc. Mr. White, Ambassador of the United States of America; H. Exc. M. Pichon, Minister of Foreign Affairs of the French Republic; H. Exc. Sir Francis Bertie, Ambassador of his Britannic Majesty; H. Exc. Count Tornielli, Ambassador of Italy; M. Vannerus, Chargé d'Affaires of Luxemburg; M. Brunet, Consul of Montenegro at Paris; M. le Chevalier de Stuers, Minister of the Netherlands; Samad Khan, Minister of Persia; M. Ghika, Minister of Roumania; H. Exc. M. de Nélidow, Ambassador of Russia; M. Lardy, Minister of Switzerland, met in the Ministry of Foreign Affairs at Paris in order to deposit the ratifications of the High Contracting Powers with the Government of the French Republic.

The Undersigned note that:

I. The Governments of Greece and Servia having given notice, by means of two communications delivered to the Legations of the French Republic at Athens and Belgrade on May 16 and July 14, 1904, that they did not adhere to the said Convention, it follows that

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Greece and Servia, whose delegates signed this act *ad referendum*, can not be considered as contracting parties.

II. The ratification of the President of the United States of America is deposited with the following declaration, to wit: "That it is necessary to substitute 'observation' for 'surveillance' in the United States in the cases contemplated by articles 21 *et seq.*, on account of the peculiar legislation of the different States of the Union."

III. The ratification of H. M. the King of the United Kingdom of Great Britain and Ireland, Emperor of India, is deposited with the following declarations:

"1. That the establishment of a sanitary station on the Island of Ormuz by the Superior Board of Health of Constantinople shall not take place until the said Board shall have been reorganized in conformity with the provisions of the Convention of December 3, 1903, and until the Mixed Tariff Commission shall have placed funds at the disposal of the said Board for this purpose by a unanimous decision.

"2. That the stipulations of the said Convention shall not be applicable to the colonies, possessions, or protectorates of His Britannic Majesty until after notification to this effect shall have been sent by the Representative of His Britannic Majesty at Paris to the Minister of Foreign Affairs of the French Republic in the name of such colony, possession, or protectorate."

IV. The ratification of H. M. the Shah of Persia is deposited with the following declaration, to-wit: "That it shall be understood that the flag which is to fly over the sanitary station of Ormuz shall be the Persian flag and that the armed guards who may be necessary to insure the observance of the sanitary measures shall be furnished by the Persian Government."

V. The signatory Powers have made the following double declaration, which is, moreover, in conformity with the stipulations contained in the Convention of Venice of March 19, 1897, viz: "That the Contracting Powers reserve the right to agree with one another with regard to the introduction of modifications in the text of the present Convention and that each of these Powers preserves the right to denounce the present Convention, which denunciation shall not have effect except with regard to it."

VI. The deposit of the instrument of the ratifications of the Egyptian Government is made through the medium of the Government of the Republic in compliance with a request made in a letter of the Minister of Foreign Affairs of His Highness the Khedive under date of October 25, 1906.

The Undersigned also declare that their Governments agree to grant to Spain and Portugal, whose Parliaments have not yet acted on the Convention of December 3, 1903, the privilege of depositing their ratifications later and within the shortest period possible.

The Government of the Republic shall take note of these ratifications and shall advise the other ratifying Powers of the deposit of the ratifications of the two Powers above mentioned.

Whereupon, all the ratifications having been presented and found, upon examination, to be in good and due form, they are confided to the Government of the Republic to be deposited in the Archives of the Department of Foreign Affairs of the French Republic.

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In witness whereof the present Procès-Verbal has been drawn up and a certified copy thereof shall be transmitted, through the Government of the French Republic, to each of the Powers which ratified the Sanitary Convention of December 3, 1903.

Done at Paris, April 6, 1907.

[L. S.]	Signed: RADOLIN.
[L. S.]	Signed: R. KHEVENHÜLLER.
[L. S.]	Signed: A. LEGHAIT.
[L. S.]	Signed: GABRIEL DE PIZA.
[L. S.]	Signed: HENRY WHITE.
[L. S.]	Signed: S. PICHON.
[L. S.]	Signed: FRANCIS BERTIE.
[L. S.]	Signed: G. TORNIELLI.
[L. S.]	Signed: VANNERUS.
[L. S.]	Signed: BRUNET.
[L. S.]	Signed: A. DE STUERS.
[L. S.]	Signed: M. SAMAD.
[L. S.]	Signed: GR. G. GHIKA.
[L. S.]	Signed: NELIDOW.
[L. S.]	Signed: LARDY.

A true copy.

The Minister Plenipotentiary, Chief of the Protocol Bureau.

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GERMANY.

COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND GERMANY, SIGNED AT WASHINGTON, APRIL 22, 1907; AT LEVICO, MAY 2, 1907.

The President of the United States of America, on the one hand, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, on the other, animated by a desire to adjust the commercial relations between the two countries until a comprehensive commercial treaty can be agreed upon, have decided to conclude a temporary Commercial Agreement, and have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, the Honorable Elihu Root, Secretary of State of the United States; and

His Majesty the German Emperor, King of Prussia, His Excellency Baron Speck von Sternburg, His Ambassador Extraordinary and Plenipotentiary to the United States of America,

Who, after an exchange of their respective full powers, found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I.

In conformity with the authority conferred on the President of the United States in Section 3 of the Tariff Act of the United States approved July 24, 1897, it is agreed on the part of the United States that the following products of the soil and industry of Germany imported into the United States shall, from and after the date when this Agreement shall be put in force, be subject to the reduced Tariff rates provided by said Section 3, as follows:

Argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Champagne and all other sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

Still wines, and vermuth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four

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cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

ARTICLE II.

It is further agreed on the part of the United States that the modifications of the Customs and Consular Regulations set forth in the annexed diplomatic note, and made a part of the consideration of this Agreement, shall go into effect as soon as possible and not later than from the date when this Agreement shall be put in force.

ARTICLE III.

Reciprocally, the Imperial German Government concedes to the products of the soil and industry of the United States enumerated in the attached list upon their importation into Germany the rates of duty indicated therein.

ARTICLE IV.

The provisions of Articles I and III shall apply not only to products imported directly from the country of one of the contracting parties into that of the other, but also to products which are imported into the respective countries through a third country, so long as such products have not been subject to any further processes of manufacture in that country.

ARTICLE V.

The present Agreement shall apply also to countries or territories which are now or may in the future constitute a part of the Customs territory of either contracting party.

ARTICLE VI.

The present Agreement shall be ratified by His Majesty the German Emperor, King of Prussia, as soon as possible, and upon official notice thereof the President of the United States shall issue his proclamation giving full effect to the respective provisions of this Agreement.

This Agreement shall take effect on July 1, 1907, and remain in force until June 30, 1908. In case neither of the contracting parties shall have given notice six months before the expiration of the above term of its intention to terminate the said Agreement, it shall remain in force until six months from the date when either of the contracting parties shall notify the other of its intention to terminate the same.

Done in duplicate in English and German texts.

In testimony whereof, the Plenipotentiaries above mentioned have subscribed their names hereto at the places and on the dates expressed under their several signatures.

ELIHU ROOT [SEAL.]
WASHINGTON, *April 22, 1907.*

STERNBURG. [SEAL.]
LEVICO, *May 2, 1907.*

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The Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, April 22, 1907.

EXCELLENCY:

Referring to the Commercial Agreement signed this day between the Imperial German Government and the Government of the United States, I have the honor to inform you that instructions to the customs and consular officers of the United States and others concerned will be issued to cover the following points and shall remain in force for the term of the aforesaid Agreement:

A.

Market value as defined by section 19 of the Customs Administrative Act shall be construed to mean the export price whenever goods, wares, and merchandise are sold wholly for export, or sold in the home market only in limited quantities, by reason of which facts there can not be established a market value based upon the sale of such goods, wares, and merchandise in usual wholesale quantities, packed ready for shipment to the United States.

B.

Statements provided for in section 8 of the Customs Administrative Act are not to be required by consular officers except upon the request of the appraiser of the port, after entry of the goods. The Consular Regulations of 1896, paragraph 674, shall be amended accordingly.

C.

In reappraisement cases, the hearing shall be open and in the presence of the importer or his attorney, unless the Board of Appraisers shall certify to the Secretary of the Treasury that the public interest will suffer thereby; but in the latter case the importer shall be furnished with a summary of the facts developed at the closed hearing upon which the reappraisement is based.

D.

The practice in regard to "personal appearance before consul," "original bills," "declaration of name of ship," shall be made uniform in the sense—

1. That the personal appearance before the consular officer shall be demanded only in exceptional cases, where special reasons require a personal explanation.

2. That the original bills are only to be requested in cases where invoices presented to the consular officer for authentication include goods of various kinds that have been purchased from different manufacturers at places more or less remote from the consulate and that these bills shall be returned after inspection by the consular officer.

3. That the declaration of the name of the ship in the invoice shall be dispensed with whenever the exporter at the time the invoice is presented for authentication is unable to name the ship.

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Paragraph 678 of such regulations, as amended March 1, 1906, shall be further amended by striking out the words:

"Whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States."

And by inserting after the first sentence the following clause:

"As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office."

Paragraph 681 of the Consular Regulations of 1896 relative to "swearing to the invoice" shall be revoked.

E.

Special agents, confidential agents, and others sent by the Treasury Department to investigate questions bearing upon customs administration shall be accredited to the German Government through the Department of State at Washington and the Foreign Office at Berlin, and such agents shall cooperate with the several chambers of commerce located in the territory apportioned to such agents. It is hereby understood that the general principle as to *personæ grata* shall apply to these officials.

F.

The certificates as to value issued by German chambers of commerce shall be accepted by appraisers as competent evidence and be considered by them in connection with such other evidence as may be adduced.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT

APPENDIX I.

The Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, May 2, 1907.

EXCELLENCY:

Referring to the Commercial Agreement concluded this day between this Government and the Imperial German Government, I have the honor to inform you that the President of the United States authorizes me to state that he will recommend to the Congress the enactment of an amendment of Section 7 of the Customs Administrative Act of June 10, 1890, as amended by Section 32, Act of July 24, 1897, so as to read as follows:

SECTION 7. That the owner, consignee, or agent of any imported merchandise may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to or such deductions from the cost or value given in the invoice, or pro forma invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or whole-

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sale price of such merchandise at the time of exportation to the United States in the principal markets of the country from which the same has been imported; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry by more than ten per centum there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of one per centum of the total appraised value thereof for each one per centum in excess of ten per centum that such appraised value exceeds the value declared in the entry, but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued, and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to twenty-five per centum of the appraised value of such article or articles. Such additional duties shall be construed to be penal and within the purview of Sections 5292 and 5293, Revised Statutes, and Sections 17 and 18, Act, June 22, 1874, and further shall be remitted in cases arising from unintentional or manifest clerical error; but these duties shall not be refunded in case of exportation of the merchandise nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than thirty-five per centum, except when arising from an unintentional or a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs may seize such merchandise and proceed as in the case of forfeiture for violation of the customs laws; and in any legal proceeding that may result from such seizure the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall only apply to the particular article or articles which are undervalued: *Provided, further*, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice shall be alike applicable to merchandise entered by a pro forma invoice or statement in the form of an invoice. The duty shall not, however, be assessed in any case upon an amount less than the entered value.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT.

APPENDIX II.

[Strike out the words in brackets and insert the words printed in *italics*.]

SEC. 7. That the owner, consignee, or agent of any imported merchandise [which has been actually purchased] may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to *or such deductions from* the cost or value given in the invoice or pro forma invoice or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise *or lower* the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the

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country from which the same has been imported; [but no such addition shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase;] and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry *by more than ten per centum* there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of one per centum of the total appraised value thereof for each one per centum *in excess of ten per centum* that such appraised value exceeds the value declared in the entry, but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued, *and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value*, and shall be limited to [fifty] *twenty-five* per centum of the appraised value of such article or articles. Such additional duties shall [not] be construed to be penal, and *within the purview of sections 5292 and 5293 Revised Statutes and sections 17 and 18, act, June 22, 1874, and further* shall [not] be remitted, [nor payment thereof in any way avoided, except] in cases arising from [a] *unintentional or* manifest clerical error, [nor shall they be refunded] *but these duties shall not be refunded* in case of exportation of the merchandise [or on any other account,] nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than [fifty] *thirty-five* per centum, except when arising from *an unintentional or* a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs [shall] *may* seize such merchandise and proceed as in case of forfeiture for violation of the customs laws, and in any legal proceeding that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall *only* apply to [the whole of the merchandise or the value thereof in the case or package containing] the particular article or articles [in each invoice] which are undervalued: *Provided, further*, That all additional duties, penalties or forfeitures applicable to merchandise entered by a duly certified invoice, shall be alike applicable to merchandise entered by a pro forma invoice, or statement in the form of an invoice, [and no forfeiture or disability of any kind, incurred under the provisions of this section shall be remitted or mitigated by the Secretary of the Treasury.] The duty shall not, however, be assessed in any case upon an amount less than the [invoice or] entered value.

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APPENDIX III.

REGULATIONS PROVIDED FOR IN THE COMMERCIAL AGREEMENT BETWEEN GERMANY AND THE UNITED STATES.

[1907. Department Circular, No. 36. Division of Customs.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 1, 1907.

To the Collectors and other Officers of the Customs:

In accordance with the commercial agreement signed April 22, 1907, between the Imperial German Government and the Government of the United States the following regulations, which will remain in force for the term of that agreement, are published for your guidance so far as they relate to your duties.

Market value as defined by section 19 of the customs administrative act shall be construed to mean the export price whenever goods, wares, and merchandise are sold wholly for export, or sold in the home market only in limited quantities, by reason of which facts there can not be established a market value based upon the sale of such goods, wares, and merchandise in usual wholesale quantities, packed ready for shipment to the United States.

Statements provided for in section 8 of the customs administrative act are not to be required by consular officers except upon the request of the appraiser of the port, after entry of the goods. The consular regulations of 1896, paragraph 674, shall be amended accordingly.

In reappraisement cases the hearing shall be open and in the presence of the importer or his attorney, unless the Board of Appraisers shall certify to the Secretary of the Treasury that the public interest will suffer thereby; but in the latter case the importer shall be furnished with a summary of the facts developed at the closed hearing upon which the reappraisement is based.

The practice in regard to "personal appearance before consul," "original bills," "declaration of name of ship," shall be made uniform in the sense—

1. That the personal appearance before the consular officer shall be demanded only in exceptional cases, where special reasons require a personal explanation.

2. That the original bills are only to be requested in cases where invoices presented to the consular officer for authentication include goods of various kinds that have been purchased from different manufacturers at places more or less remote from the consulate, and that these bills shall be returned after inspection by the consular officer.

3. That the declaration of the name of the ship in the invoice shall be dispensed with whenever the exporter at the time the invoice is presented for authentication is unable to name the ship.

Paragraph 678 of such regulations, as amended March 1, 1906, shall be further amended by striking out the words:

"Whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States."

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And by inserting after the first sentence the following clause:

"As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office."

Paragraph 681 of the consular regulations of 1896 relative to "swearing to the invoice" shall be revoked.

Special agents, confidential agents, and others sent by the Treasury Department to investigate questions bearing upon customs administration shall be accredited to the German Government through the Department of State at Washington and the Foreign Office at Berlin, and such agents shall cooperate with the several chambers of commerce located in the territory apportioned to such agents. It is hereby understood that the general principle as to *personæ gratæ* shall apply to these officials.

The certificates as to value issued by German chambers of commerce shall be accepted by appraisers as competent evidence and be considered by them in connection with such other evidence as may be adduced.

GEORGE B. CORTELYOU,
Secretary.

APPENDIX IV.

EXECUTIVE ORDER.

The Consular Regulations of 1896 are hereby amended as follows:

The practice in regard to "personal appearance before consul," "original bills," "declaration of name of ship," shall be made uniform in the sense—

1. That the personal appearance before the consular officer shall be demanded only in exceptional cases, where special reasons require a personal explanation.

2. That the original bills are only to be requested in cases where invoices presented to the consular officer for authentication include goods of various kinds that have been purchased from different manufacturers at places more or less remote from the consulate and that these bills shall be returned after inspection by the consular officer.

3. That the declaration of the name of the ship in the invoice shall be dispensed with whenever the exporter at the time the invoice is presented for authentication is unable to name the ship.

Paragraph 678 of such regulations, as amended March 1, 1906, is further amended by striking out the words:

"Whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States."

And by inserting after the first sentence the following clause:

"As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office."

So that the entire paragraph shall read as follows:

"678. Invoices of merchandise purchased for export to the United States must be produced for certification to the consul of the district

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at which the merchandise was purchased, or in the district in which it was manufactured, but as a rule consular officers shall not require the personal attendance at his office of the shipper, purchaser, manufacturer, owner, or his agent, for the purpose of making declarations to invoices, but he shall certify invoices sent to him through the mails or by messenger. As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office. To conform to the statute which requires that merchandise shall be invoiced at the market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities at the time of exportation to the United States, in the principal markets of the country whence imported, consuls will certify to invoices, the additional cost of transportation from the place of manufacture to the place of shipment."

Paragraph 681 of the Consular Regulations of 1896 relative to "swearing to the invoice" is hereby revoked.

Paragraph 674 of the Consular Regulations of 1896 is amended so that the statements provided for in Section 8 of the Customs Administrative Act are not to be required by consular officers except upon the request of the appraiser of the port, after entry of the goods.

THEODORE ROOSEVELT

THE WHITE HOUSE,
June 1, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the German Government has entered into a Commercial Agreement with the United States in conformity with the provisions of the third section of the Tariff Act of the United States approved July 24, 1897, by which Agreement in the judgment of the President reciprocal and equivalent concessions are secured in favor of the products of the United States;

Therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, acting under the authority conferred by said Act of Congress, do hereby suspend during the continuance in force of said Agreement the imposition and collection of the duties imposed by the first Section of said Act upon the articles hereinafter specified, being the products of the soil and industry of Germany; and do declare in place thereof the rates of duty provided in the third section of said Act to be in force and effect from and after July 1, 1907, as follows:

Argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Champagne and all other sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or

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less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

Still wines, and vermuth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this first day of June, A. D. one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty-first.

[SEAL.] THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

APPLICATION TO OTHER COUNTRIES OF THE ADMINISTRATIVE PROVISIONS OF THE COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND GERMANY.

AUSTRIA-HUNGARY.

File No. 5727/62.

The Acting Secretary of State to the Chargé of Austria-Hungary.

No. 262.] DEPARTMENT OF STATE,
Washington, June 28, 1907.

SIR: With reference to your note No. 1206, of the 19th instant,[a] I have the honor to say that the administrative provisions set forth in the commercial agreement between the United States and Germany are intended to be applicable in principle to all countries. The provisions which relate to the accrediting of special agents, their cooperation with chambers of commerce, and the acceptance of certificates of chambers of commerce as to value as competent evidence in terms relate specifically to Germany. The Government of the United States does not, however, wish to make them the basis of discrimination against any other country, and is quite ready to make them applicable to Austria-Hungary so far as the conditions in that country permit if the Imperial and Royal Government so desires.

Accept, etc.,

ALVEY A. ADEE.

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[a] Not printed.

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File No. 5727/113–114.

The Chargé of Austria-Hungary to the Secretary of State.

[Translation.]

No. 1632.] AUSTRO-HUNGARIAN EMBASSY,
Bar Harbor, August 15, 1907.

YOUR EXCELLENCY: In the last sentence of your esteemed note No. 262 of June 28 last, Your Excellency had the kindness to inform me that the Federal Government was willing to declare applicable to Austria-Hungary certain nonadministrative provisions of the American-German commercial agreement which are enumerated in the note, provided conditions in this country permitted it, and if the Austro-Hungarian Government should express a desire to that effect.

In conformity with this declaration Your Excellency had already intimated on June 20 last that, in view of the desire of the Austro-Hungarian Government to have the certificates of value of the Austrian and Hungarian chambers of commerce recognized, it would be well to send a copy of the laws relating to chambers of commerce to the Federal Government, in order that their official character might be examined into, this having already been done by the French Embassy here.

I reported accordingly to Vienna, and now have the honor to place at Your Excellency's disposal a copy of the Austrian law of June 29, 1868 (Imperial Law Bulletin No. 85), in which the official character of the Austrian chambers of commerce and industry is shown in an unequivocal manner. In paragraph 2 of this law there are mentioned among the duties of the chambers of commerce and industry several which are of a purely official character. According to paragraph 3 of the law these bodies are under the Austrian minister of commerce and have to carry out his orders.

In compliance with instructions received from the Austro-Hungarian Government, I have the honor to request Your Excellency to kindly notify me whether the Federal Government is now willing to recognize the Austrian chambers of commerce and industry on the same basis as those of the German Empire as far as the issuance of certificates of value of merchandise is concerned.

While reserving the right to make known to you the desires of the Austro-Hungarian Government with regard to the Hungarian chambers of commerce and industry as soon as I receive the appropriate instructions, I avail myself, etc.,

L. AMBRÓZY.

File No. 5727/117.

The Acting Secretary of State to the Chargé of Austria-Hungary.

No. 274.] DEPARTMENT OF STATE,
Washington, September 3, 1907.

SIR: Referring to your note of the 15th ultimo and telegram of the 30th ultimo,[a] receipt of which is hereby acknowledged, relative to certificates of value of merchandise issued by Austrian chambers of commerce and industry, I have the honor to inform you that the de-

[a] Not printed.

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partment is just in receipt of a letter from the Acting Secretary of the Treasury, dated the 30th ultimo, stating that the customs officers of the United States will be instructed in the next issue of "Treasury Decisions" that the provisions of point "F" of the diplomatic note annexed to the commercial agreement between the United States and Germany have been extended to Austrian chambers of commerce and industry.

The department will take pleasure in sending you a copy of the "Treasury Decisions" in question as soon as it shall be received.

Accept, etc.,

ALVEY A. ADEE.

File No. 5727/129.

The Chargé of Austria-Hungary to the Secretary of State.

[Translation.]

No. 1787.] AUSTRO-HUNGARIAN EMBASSY,
Bar Harbor, September 7, 1907.

YOUR EXCELLENCY: I my note No. 1632 of the 15th ultimo I had the honor to state to Your Excellency that I reserved the right to present any wishes which the Imperial and Royal Government might have regarding the assimilation of the Hungarian chambers of commerce to those of the German Empire in respect to the recognition of certificates as to values of goods as soon as I received instructions from Vienna on the subject.

These instructions have just reached me and are prefaced by the remark that the Royal Hungarian Government would be gratified to have the declarations of value issued by the Hungarian chambers of commerce and industry taken into consideration by the custom-houses of the United States in determining values.

According to Article VI of the Hungarian law of 1868 the Hungarian chambers of commerce and industry are corporations with an official character, and therefore answer the conditions explained to me by Your Excellency orally on June 20 last.

Paragraph 2 of the law mentioned contains the provision that the Hungarian chambers of commerce and industry are under the jurisdiction of the minister of agriculture, industry, and commerce, receive and execute his orders directly, and present their suggestions to him.

Paragraph 3 letter F, relates to the right or duty of the Hungarian chambers of commerce and industry to issue certificates regarding local commercial customs and samples of goods submitted. This right or duty has an unquestionable bearing on the case under consideration.

Paragraph 14 states that the president and both vice-presidents of the chambers of commerce and industry shall be confirmed by the aforementioned minister.

As there is no work extant in English on the Hungarian chambers of commerce and industry, the royal Hungarian ministry of commerce has transmitted the inclosed Hungarian work by Dr. Ignácz Sugár, secretary of the chamber of commerce and industry at Miskolezi, on the last pages of which (pp. 124–129) the text of the article cited is copied. I also take the liberty of inclosing a German translation of the above-mentioned passages made in this embassy.

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On the strength of these references and pursuant to instructions, I have the honor to request Your Excellency to kindly inform me whether the Government is willing to recognize the standing of the Hungarian chambers of commerce and industry on an equal footing with those of the German Empire with respect to the issue of certificates as to the value of goods.

Availing myself, finally, of this occasion in order to acknowledge with thanks the receipt of Your Excellency's esteemed note No. 274 of the 3d instant, I beg of you to accept the renewed assurance of my most distinguished consideration.

L. AMBRÓZY.

[Inclosure.]

Translation of an extract from Article VI of the law of 1868 relating to chambers of commerce and industry.

SECTION 1. The chambers of commerce and industry are organs designed alike for the furtherance of commercial and industrial interests.

SEC. 2. The chambers of commerce and industry are under the direction of the minister of agriculture, industry, and commerce, whose orders they shall receive and execute directly and to whom they shall report directly. However, they are at liberty, in the performance of their duties, to correspond directly with the municipalities of the country as well as with private corporations. and also among themselves.

SEC. 3. The duties of the chambers are as follows:

(*a*) To formulate suggestions in the interest of commerce and industry as well as of the needs of the classes engaged in these branches, to submit these suggestions to the minister, to furnish the minister and the municipalities of the country the desired information or opinions on commercial and industrial matters, and to promote the improvement and development of commerce and industry generally in a direct manner.

(*b*) To gather data relating to commercial and industrial statistics within their districts and to submit the same at the end of each year to the minister.

(*c*) To send in a regular yearly report to the minister on the condition of commerce, traffic, and industry in their district, and on experiences, complaints, and wishes relating thereto.

(*d*) To keep an accurate register of all trade-marks and samples reported to the chamber.

(*e*) To examine technically those persons who apply to be licensed brokers, and to enter them in the category of such brokers in case they are found fitted therefor.

(*f*) To issue certificates regarding local commercial customs (consuetudinary laws) and samples of goods presented.

(*g*) To delegate members to the temporary sessions or committee meetings of the united chambers called by the minister for the purpose of securing authoritative opinions.

SEC. 14. The president and both vice-presidents shall be confirmed in their office by the minister. In case one of these places becomes vacant, owing to resignation or death, the chamber must immediately proceed to elect a successor.

File No. 5727/131.

The Chargé of Austria-Hungary to the Secretary of State.

[Translation.]

No. 1799.] AUSTRO-HUNGARIAN EMBASSY,
Bar Harbor, September 8, 1907.

EXCELLENCY: Your Excellency was good enough to advise me, by your valued note of the 3d instant, No. 274, that the next issue of

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the Treasury Decisions would instruct the customs officials of the United States that the provisions of Point F in the published diplomatic note appended to the commercial agreement between the United States and the German Empire have been extended to the Austrian chambers of commerce and industry.

The said issue of the Treasury Decisions has since come to my hands, and I find on pages Treasury Decision No. 28 400 bearing on the subject. After perusal thereof I can not but draw Your Excellency's obliging attention to the fact that while it was held out in the above-mentioned note that the customs officials of the United States, without restriction, would be suitably instructed, the instruction printed in the above-mentioned Treasury Decision appears to have been addressed to the appraisers of the United States at New York only.

Unless some error should have crept into the publication of the cited Treasury Decision, the case might occur when, in the entry of some Austrian article imported at Boston, for instance, the value certificate of an Austrian chamber of commerce and industry would not receive the same treatment as a certificate of a German chamber of commerce stating the value of an imported German article, which treatment is regulated by the last paragraph of Circular No. 36 of the Treasury Department, addressed to all the customs collectors and officials in the United States.

As I can not surmise that it is the intention of the Federal Government to discriminate between the Austrian and German certificates of chambers of commerce in ports of entry other than New York, I have the honor to have recourse to Your Excellency's kindly intercession, and respectfully to request that all the customs officials who have received Treasury Circular No. 36 of 1906 be instructed that the provisions of Point F in the published diplomatic note appended to the commercial agreement between the United States and the German Empire have been extended to the Austrian chambers of commerce and industry.

Looking forward to an obliging answer from Your Excellency to the foregoing, I improve this opportunity to renew the assurance of my most distinguished high consideration.

L. AMBRÓZY.

File No. 5727/131.

The Acting Secretary of State to the Chargé of Austria-Hungary.

No. 277.] DEPARTMENT OF STATE,
Washington, September 14, 1907.

SIR: I have the honor to acknowledge receipt of your note of the 8th instant, relative to certificates of value issued by Austrian chambers of commerce and industry. Referring to recent correspondence, you call attention to the fact that the instructions of the Treasury Department, extending the provisions of Point F in the commercial agreement between the United States and the German Empire to Austrian chambers of commerce and industry, were addressed merely to the appraising officer at New York, as appears in Treasury Decisions No. 28400, and you request that those instructions be made general.

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In reply, I have the honor to inform you that the department is advised by the Treasury Department that the publication in Treasury Decisions of an instruction to the collector at New York makes that instruction applicable to all other collectors of customs in the United States, it being the practice of the Treasury to issue instructions either by circular addressed to all customs officers, or by the publication in Treasury Decisions of an instruction issued to a particular customs officer. The Treasury Department assures this department that the certificates of value issued by the Austrian chambers of commerce and industry will be accorded equally favorable treatment in all the ports of entry of the United States.

Accept, etc., ALVEY A. ADEE.

File No. 5727/137.

The Secretary of State to the Chargé of Austria-Hungary.

No. 229.] DEPARTMENT OF STATE,
Washington, September 24, 1907.

SIR: Referring to your note of the 7th instant, relative to certificates of value issued by Hungarian chambers of commerce and industry, I have the honor to inform you that this department promptly conferred with the Treasury Department in regard to this matter, and that the Acting Secretary of the Treasury has advised this department, under date of the 20th instant, that the customs officers of the United States will be instructed in the next issue of "Treasury Decisions" that the provisions of Point F of the diplomatic note annexed to the commercial agreement between the United States and Germany have been extended to Hungarian chambers of commerce and industry.

Accept, etc., ELIHU ROOT.

File No. 5727/151.

The Ambassador of Austria-Hungary to the Secretary of State.

[Translation.]

No. 2252.] AUSTRO-HUNGARIAN EMBASSY,
Washington, November 13, 1907.

EXCELLENCY: I am informed by the imperial and royal foreign office that the consulate of the United States at Vienna is not yet aware that the provisions in Point F of the annex to the commercial agreement concluded between the United States and German Empire concerning certificates of value of merchandise issued by the German chambers of commerce have been extended to the Austrian chambers of commerce and industry.

The issuance of certificates of export values as provided in Point F of the above-mentioned agreement is made difficult for the chambers of commerce and industry, in that the said certificates must be inseparably attached to the invoices presented for certification at the consulate, but when so attached as required for the purposes of recognition they are not accepted by the consulates of the United States.

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I therefore have the honor, by direction of my Government, respectfully to ask that Your Excellency will kindly take the requisite steps to have the American consuls in Austria and Hungary officially advised of the concessions which form the subject of your valued notes of September 3, No. 274, and of September 24, No. 279, and also of the contents of the Treasury Decisions Nos. 28400 and 28420, therein referred to.

Accept, etc. HENGELMULLER.

File No. 5727/151.

The Secretary of State to the Ambassador of Austria-Hungary.

No. 299.] DEPARTMENT OF STATE,
Washington, December 5, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note, No. 2252, of the 13th ultimo, asking that the American consuls in Austria and Hungary be officially advised that the provisions of the commercial agreement between the United States and Germany relative to chambers of commerce certificates have been extended to the Austrian and Hungarian chambers of commerce and industry.

In reply, I have the honor to state that the department has duly instructed, in the sense of Your Excellency's request, the American consuls in Austria and in Hungary.

Accept, etc., ELIHU ROOT.

FRANCE.

File No. 5727/59.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, June 8, 1907.

Mr. SECRETARY OF STATE: Referring to the several conversations I have had the honor to hold with your excellency in the course of which you were good enough to give me an assurance that the advantages set forth in your note to Baron Sternburg, under date of April 22 last, applied to France, I deem it my duty to say, with respect to the status of our chambers of commerce, that those institutions exist and officiate in France under laws and decrees of which the principal ones are the laws of December 21, 1871, and April 9, 1898, and the decrees of August 30, 1852, and January 22, 1872.

Under the provisions of those acts, no chamber of commerce can be created except by a decree of the Government, issued upon the advice of the council of state. The chambers at present number 157 in continental France alone; the names of all their members appear on page 1364 of the "Annuaire National" for 1906. The French chambers of commerce are juridical persons; they may own property, receive donations, bequests, etc.

The members of the chambers of commerce are elected under the conditions defined in the above-mentioned provisions. Merchants

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and stockbrokers who have obtained the age of 30 years, paid license for five years and are domiciled within the jurisdiction of the chamber, deep-sea captains who have been in command for not less than five years, and several other classes of similarly responsible persons are eligible. The number of members of each chamber of commerce is determined by the decree which created it; they are elected for a term of six years, one-third being renewed every second year.

The law delegates to the chambers important, active, or advisory powers; in some cases the Government must even seek the previous advice of the chambers of commerce before reaching certain decisions affecting French trade; this shows how highly these assemblies are considered.

As regards the new conditions applied to special agents of the American Treasury, as set forth in Paragraph E of your excellency's above-mentioned note, it seems to me, as it does to you, that the most simple method of applying them would be to furnish the Government of the Republic with information concerning the said agents through the embassy of the United States at Paris.

I believe these few statements will meet the wish you were pleased to express and I beg you to accept, etc.,

JUSSERAND.

File No. 5727/59.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, June 13, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 8th instant, stating the status of French chambers of commerce, a translation of which I have communicated to the Secretary of the Treasury.

It will be my pleasure upon hearing from him to communicate with you further with respect to the subject-matter of your note.

Accept, etc.,

ELIHU ROOT.

File No. 5727/66.

The Acting Secretary of State to the French Chargé.

No. 412.] DEPARTMENT OF STATE,
Washington, June 29, 1907.

SIR: With further reference to the ambassador's note of the 8th instant, in connection with certain questions regarding the recent commercial agreement between the United States and Germany and concerning the status of French chambers of commerce, I have the honor to advise you that I am in receipt of a letter from the Acting Secretary of the Treasury stating that he would be pleased to receive copies of the laws and decrees to which reference is made by the ambassador in his note above referred to. In making this request, Mr. Reynolds adds a statement to the effect that there would appear to be no reason for refusing to accept as competent evidence certificates of value issued by French chambers of commerce where they are governmental or quasi-governmental institutions.

Accept, etc.,

ALVEY A. ADEE.

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File No. 5727/96.

The Acting Secretary of State to the French Chargé.

No. 424.] DEPARTMENT OF STATE,
Washington, August 7, 1907.

SIR: Referring further to the ambassador's note of the 8th of June last, I have the honor to inform you of the receipt of a letter from the Acting Secretary of the Treasury stating that as it appears from the ambassador's note above mentioned and from statements made on the 2d ultimo by his excellency the minister of foreign affairs in the French Senate that the French chambers of commerce bear an official relation to the Government of the Republic, the Treasury Department perceives no objection to the acceptance of certificates of value issued by such chambers of commerce, as in the case of German chambers of commerce under Point F of the diplomatic note annexed to the recent commercial agreement between the United States and Germany.

Accept, etc.,

ROBERT BACON.

GREAT BRITAIN.

File No. 5727/49.

The British Ambassador to the Secretary of State.

No. 120.] BRITISH EMBASSY,
Washington, May 25, 1907.

SIR: You will doubtless remember that in conversation with me on April 11, you informed me that the administrative concessions made in the commercial agreement between Germany and the United States would be applicable to the imports into America of all countries. I informed His Majesty's Government of this and they, while fully relying on the statement you made, would be glad, now that the agreement has been published, to have a note from you embodying that assurance, which could be quoted in reply to inquiries in Parliament on the subject. They similarly understand that the provisions in paragraph F of your note to the German ambassador of April 22 apply to chambers of commerce in the United Kingdom as well as those of Germany.

The terms of the amendment to section 7 of the act of June 10, of 1890, inclosed in your note of May 10 to the German ambassador, which the President will recommend Congress to enact, are so framed as to apply to imports from all countries, and His Majesty's Government assume that it is the intention of the administration to propose them in that general form so that they should apply to imports from the United Kingdom.

I have, etc.,

JAMES BRYCE.

File No. 5727/60B.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, June 8, 1907.

EXCELLENCY: With reference to previous correspondence, I have the honor to say that the administrative provisions set forth in the

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commercial agreement between Germany and the United States are intended to be applicable in principle to all countries. The provisions which relate to the accrediting of special agents, their cooperation with chambers of commerce, and the acceptance of certificates of chambers of commerce as to value as competent evidence in terms relate specifically to Germany. The Government of the United States does not, however, wish to make them a basis of discrimination against any other country, and is quite ready to make them applicable to Great Britain so far as the conditions in that country permit if the Government of Great Britain so desires.

I have, etc., ELIHU ROOT.

File No. 5727/61.

The British Chargé to the Secretary of State.

No. 129.] BRITISH EMBASSY,
Washington, June 11, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, respecting the application to other countries of the administrative changes in United States customs-houses, which derive from the new German-American commercial agreement.

While expressing my best thanks for this communication, I beg to inform you that I immediately acquainted His Majesty's Government with its contents.

I have, etc., ESME HOWARD.

File No. 5727/60.

The Secretary of State to the British Ambassador.

No. 80.] DEPARTMENT OF STATE,
Washington, June 12, 1907.

EXCELLENCY: Supplementing my note of the 8th instant, I have the honor to inclose a copy of a letter received on yesterday from the Secretary of the Treasury touching on the question of the acceptance of certificates issued by foreign chambers of commerce.

I have, etc.,

ELIHU ROOT.

[Inclosure.]

The Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
Washington, June 8, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, further in regard to the accrediting of special and confidential agents of this department to the German Government, with instructions to cooperate with German chambers of commerce, and the acceptance by appraising officers as competent evidence of certificates issued by such chambers of commerce, in which you state that you propose to inform other countries that these concessions will be applicable to them in so far as the conditions of the respective countries will permit.

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In so far as the question relates to the accrediting of special agents, I see no objection to making it generally applicable, but with respect to the acceptance of certificates issued by chambers of commerce it must be remembered that the Board of General Appraisers is a judicial, or at least a quasi-judicial body, being vested with the authority, under the ordinary rules of evidence, to determine the competency or incompetency of testimony adduced before them. I think it proper that certificates of value issued by chambers of commerce having semigovernmental status should be regarded by the board as competent evidence, but I do not think it right for the department to establish an arbitrary regulation compelling the board to accept as competent testimony the certificates of value of chambers of commerce which do not bear, as do the German chambers of commerce, an official relation to the Government.

A different departmental attitude on this question would undoubtedly result in embarrassment should the board reject as incompetent the certificates of unofficial chambers of commerce.

Respectfully, GEO. B. CORTELYOU.

File No. 5727/69.

The British Chargé to the Acting Secretary of State.

No. 141.] BRITISH EMBASSY,
Intervale, N. H., June 27, 1907.

SIR: With reference to previous correspondence, I have the honor to state that I have received a telegram from His Majesty's secretary of state for foreign affairs directing me to ascertain whether it is to be understood that paragraph F of the note annexed to the commercial agreement recently concluded between Germany and the United States, relative to certificates of value issued by German chambers of commerce, has reference exclusively to sections 10 and 11 of the customs administrative act; and if not, what other sections of the act are affected by the paragraph in question.

I have the honor to ask you to be so good as to enable me to reply to Sir Edward Grey's inquiries at your early convenience.

I have, etc.,

R. C. LINDSAY.

File No. 5727/74.

The British Ambassador to the Secretary of State.

No. 153.] BRITISH EMBASSY,
Intervale, N. H., July 3, 1907.

SIR: Referring to your letter of June 8 upon the subject of the agreement between your Government and that of Germany, proclaimed on June 1, and the recognition which your Government proposes to give to certificates of value issued by chambers of commerce, I am instructed by His Majesty's principal secretary of state for foreign affairs to inform you that in his opinion the United States Government need not hesitate to accept certificates of value issued by British chambers of commerce in the same way and to the same extent as those of German chambers. British chambers are already in most European countries recognized as competent bodies to issue certificates of British commercial travelers, in pursuance of recent treaties between the United Kingdom and several foreign states. They are also recognized in most European countries as competent to issue certificates of origin. The board of trade of the United Kingdom has recently instituted an advisory committee on commercial

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intelligence, and the members of this committee are mostly appointed on the nomination of British chambers. These chambers are, moreover, always consulted by the board of trade through the advisory committee upon questions relating to foreign tariffs. I may add that the board of trade, in order further to assure the United States Government on this subject, have now arranged that all applications from British chambers for privilege of granting certificates of value should be received and considered by the aforesaid advisory committee and that no chambers will be declared competent to issue such certificates except those which satisfy the committee respecting their arrangements. His Majesty's Government will from time to time communicate the names of those chambers which are authorized to issue certificates of value. The following chambers have already been recognized as competent for this purpose; that is, those of London, Liverpool, Manchester, Birmingham, Cardiff, Bradford, Belfast, Glasgow, and Dundee.

I am further directed to express the hope of His Majesty's Government that these assurances as to the authority extended to British chambers will be deemed satisfactory by the United States Government, inasmuch as they confer upon these chambers, although, like those of the United States, they have been in their inception unofficial bodies, an official recognition fully adequate for the present purpose, and as they make it certain that the certificates will be granted after due inquiry and with a due sense of official responsibility.

His Majesty's Government will be glad if you can favor me, as soon as possible, with a reply to this communication.

I have, etc.,

JAMES BRYCE.

File No. 5727/69.

The Acting Secretary of State to the British Ambassador.

No. 105.] DEPARTMENT OF STATE,
Washington, July 5, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of Mr. Lindsay's note, No. 141, of the 27th ultimo, in which, with reference to previous correspondence, he states that he has received a telegram from His Majesty's secretary of state for foreign affairs directing him to ascertain whether it is to be understood that paragraph F of the note annexed to the commercial agreement recently concluded between Germany and the United States, relative to certificates of value issued by German chambers of commerce, has reference exclusively to sections 10 and 11 of the customs administrative act; and if not, what other sections of the act are affected by the paragraph in question.

In reply I have the honor to say that paragraph F of the diplomatic note attached to our new commercial agreement with Germany, relative to certificates of value issued by German chambers of commerce, is not limited by sections 10 and 11 of the customs administrative act, but has general application under the law to the ascertainment of market value; and that there is hardly one section in that act in which the question of value is not involved directly or indirectly.

I have, etc.,

ALVEY A. ADEE.

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File No. 5727/75.

The Acting Secretary of State to the British Chargé.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 9, 1907.

Referring to your personal note of July 3, have just received from Treasury Department a note stating that in view of the facts set forth, no objection is perceived to the extension of the privilege requested. Copy of note in due course by mail.

BACON.

File No. 5727/74.

The Acting Secretary of State to the British Ambassador.

No. 108.] DEPARTMENT OF STATE,
Washington, July 10, 1907.

EXCELLENCY: I have the honor to acknowledge receipt of your note of the 3d instant, relative to the recognition by this Government of British chambers of commerce as competent bodies to issue certificates of value on the same terms as are accorded to German chambers of commerce under paragraph F of the diplomatic note annexed to the new commercial agreement between the United States and Germany.

In reply, I have the honor to inform you that the request of your Government was duly communicated to the Secretary of the Treasury, and his reply is inclosed herewith, dated the 9th instant. You will perceive that the Secretary of the Treasury states that in view of the facts set forth in Your Excellency's note there is no objection to the extension of the privilege requested.

Accept, etc., ROBERT BACON.

[Inclosure.]

The Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
Washington, July 9, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, transmitting a copy of a note from the British ambassador relative to the recognition by this Government of British chambers of commerce as competent bodies to issue certificates of value on the same terms as are accorded German chambers of commerce under paragraph F of the diplomatic note annexed to the commercial agreement between the United States and Germany.

It is represented that the board of trade of the United Kingdom has recently instituted an advisory committee on commercial intelligence, and members of this committee are mostly appointed on the nomination of the British chambers. These chambers are, moreover, always consulted by the board of trade through the advisory committee upon questions relating to foreign tariffs, and no chambers will be declared competent to issue such certificates except those which satisfy the committee respecting their arrangements. It is further represented that the British Government will from time to time communicate the names of those chambers which are authorized to issue certificates of value, and that through this supervision an official recognition is extended to British chambers of commerce as will make certain the fact that certificates of value will be issued only after due inquiry and with a due sense of official responsibility.

In view of the facts set forth, I have the honor to state that no objection is perceived to the extension of the privilege requested.

Respectfully, GEO. B. CORTELYOU.

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File No. 5727/83.

The British Ambassador to the Secretary of State.

No. 168.] BRITISH EMBASSY,
Intervale, N. H., July 18, 1907.

SIR: I have the honor to acknowledge the receipt of your note No. 108 of the 10th instant, informing me that in view of the facts set forth as to the status of British chambers of commerce, they will in future be recognized as qualified to issue certificates of value on the same terms as are accorded German chambers of commerce under paragraph F of the recent agreement between the United States and Germany.

I desire to express my recognition of the liberal spirit in which the United States Government have acted in this matter, and of the readiness shown in removing a difficulty which might have proved detrimental to important mutual commercial interests.

I am now instructed by His Majesty's Government to make certain inquiries for the elucidation of minor points connected with the exercise of these powers by British chambers of commerce. I should therefore be greatly obliged if I might be informed, for telegraphic communication to the competent authorities, whether the certificates of the British chambers of commerce will supersede the other documents relative to value required by the customs administration, particularly the declarations required to be indorsed on the back of the invoice under section 3 of the customs administrative act. Also, whether the value to be stated in the guarantee certificate is to include packing and other charges incidental to shipment.

I have, etc., JAMES BRYCE.

File No. 5727/89.

The British Ambassador to the Acting Secretary of State.

No. 172.] BRITISH EMBASSY,
Intervale, N. H., July 20, 1907.

SIR: In my note of the 3d instant I had the honor to recommend to the United States Government certain British chambers of commerce as qualified for the purposes of issuing certificates of value under paragraph F of the note annexed to the agreement between the United States and Germany. These chambers of commerce were those of London, Liverpool, Manchester, Birmingham, Cardiff, Bradford, Belfast, Glasgow, and Dundee; and their qualifications have now been recognized in your note No. 108 of July 10.

I am now instructed to inform you that the following chambers have also been accepted by the board of trade as competent for this purpose, viz, Leeds, Hull, Edinburgh, Dublin, Newcastle-on-Tyne, Huddersfield, Nottingham, Sheffield, Bristol. I have, therefore, to ask that your department will be so good as to inform the competent authorities that certificates of value issued by chambers of commerce in this supplementary list be accepted on an equal footing with those of the chambers originally enumerated.

I have, etc., JAMES BRYCE.

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File No. 5727/83.

The Acting Secretary of State to the British Ambassador.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 24, 1907.

Your note of the 18th. Certificates of the British chambers of commerce will not supersede other documents relative to value required by customs administrative act of the United States. Specific provisions of that act are not in anywise affected by the chambers of commerce certificates. The declaration required by section 3 must, therefore, be produced as heretofore. The chamber of commerce certificate should show the market value of the merchandise as that term is defined by section 19 of the customs administrative act. The value to be stated in the guarantee certificate should include packing and other charges incidental to shipment.

BACON.

File No. 5727/83.

The Acting Secretary of State to the British Ambassador.

No. 122.] DEPARTMENT OF STATE,
Washington, July 26, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 18th instant inquiring whether the certificates of the British chambers of commerce will supersede the other documents relative to value required by the customs administration, and to confirm the department's telegram of the 24th instant reading as follows (supra).

I may add that British board of trade certificates will be accepted as competent evidence by United States appraisers.

I have, etc.,

ROBERT BACON.

File No. 5727/95.

The Acting Secretary of State to the British Ambassador.

No. 130.] DEPARTMENT OF STATE,
Washington, August 7, 1907.

EXCELLENCY: I duly communicated to the Secretary of the Treasury a copy of your note, No. 172 of the 20th ultimo, stating that the chambers of commerce of London, Liverpool, Manchester, Birmingham, Cardiff, Bradford, Belfast, Glasgow, Dundee, Leeds, Hull, Edinburgh, Dublin, Newcastle-on-Tyne, Huddersfield, Nottingham, Sheffield, and Bristol have been accepted by the board of trade as competent to issue certificates of value.

I am now in receipt of a reply from the Acting Secretary of the Treasury, in which it is stated that in accordance with that department's letter of July 9 last such certificates issued by any of the chambers of commerce named will be recognized by appraising offi-

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cers on the same terms as are accorded to those issued by German chambers of commerce under Point F of the diplomatic note attached to the recent commercial agreement between the United States and Germany.

A copy of the Treasury Department's letter of the 9th ultimo, to which reference is herein made, was communicated to the embassy on the 10th ultimo.

I have, etc., ROBERT BACON.

ITALY.

File No. 5727/141.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Manchester, Mass., October 4, 1907.

Mr. SECRETARY OF STATE: With reference to the conversation I had some time ago at your department with the Honorable Acting Secretary of State, Mr. Alvey A. Adee, and in pursuance of instructions received from His Majesty's Government, I have the honor to have recourse to your excellency's well-known courtesy and to beg that you will obtain for me from the Federal Government that the certificates issued by the Italian chambers of commerce, respecting the value of merchandise for export, be accepted by the competent American customs authorities as valid evidence and by them considered in connection with any other evidence that may be adduced.

In presenting this request I have to remark that it refers to, and at the same time originates from, the similar concession granted to Germany under the agreement which went into effect on the 1st of July last and, more recently, to other countries which have formally applied therefor. I beg to add, in implicit compliance with your excellency's natural request, that the Italian chambers of commerce bear the same quasi-governmental character as the German chambers and offer the same guarantees. His Majesty's Government authorizes me to make an explicit declaration in that sense to the Federal Government, and instructs me to say in support of this statement that the Italian chambers of commerce under our law of July 6, 1862, are instituted by a royal decree which determines the headquarters and territory of each chamber as well as the number of its members. The charges and dues levied by the chambers can not be collected without first receiving the approval of the Government by a royal decree upon the advice of the council of state. The chambers are also under the direct supervision of the ministry of agriculture, industry, and commerce, which approves their by-laws, financial statements, and rolls of their clerical force. Furthermore, the Government has always the right to dissolve a chamber of commerce and to appoint a royal commission to take charge of its affairs until a new council is appointed.

Fully confident that this request, presented in the name of my Government, will meet with a favorable reception on the part of the Federal Government, I tender, in advance, my thanks to your excellency for whatever action you may be pleased to take in the sense herein indicated, and avail myself, etc.

G. C. MONTAGNE.

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File No. 5727/141.

The Acting Secretary of State to the Italian Chargé.

No. 543.] DEPARTMENT OF STATE.
Washington, October 17, 1907.

SIR: I have the honor to acknowledge receipt of your note of the 4th instant, relative to acceptance by the appraising officers of the United States of the certificates of value issued by Italian chambers of commerce.

In reply I have the honor to inform you that this question has been referred to the Secretary of the Treasury, whose decision will be communicated promptly to you.

Accept, etc., ALVEY A. ADEE.

File No. 5727/148–149.

The Secretary of State to the Italian Chargé.

No. 552.] DEPARTMENT OF STATE,
Washington, November 2, 1907.

SIR: In reply to your note of October 4, 1907, relative to certificates of value issued by Italian chambers of commerce, I have the honor to inclose herewith copy of "Treasury Decisions," issue of October 31,[a] containing, on page 3, instructions to the appraising officers of the United States that the provisions of point "F" of the diplomatic note annexed to the commercial agreement between the United States and Germany have been extended to the Italian chambers of commerce.

Accept, etc., ELIHU ROOT.

SWITZERLAND.

File No. 5727/120–126.

The Swiss Chargé to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, D. C., September 3, 1907.

Mr. SECRETARY OF STATE: When, on June 30, 1905, the Swiss Federal Council decided that the products of the soil and industry of the United States would be admitted, on and after the first of January, 1906, into the territory of the Swiss Confederation, at the same rate of customs duties as the like products of any other foreign country, the President of the United States, by his proclamation of January 1, 1906, guaranteed to Switzerland the application of reduced customs duties on articles set forth in section 3 of the tariff act of July 24, 1897, except, however, champagne and other sparkling wines.

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[a] Not printed.

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The commercial agreement recently signed by the United States and Germany grants to Germany the rates fixed by section 3 of the tariff act on all articles named in the section and, on the part of the Imperial German Government, concedes to the United States the rates of the German conventional tariff for a certain number of products. On the ground that by its decision of 1905 it extended to the United States every concession, without exception, made to the other States in commercial treaties, the Swiss Federal Council instructs me to express to your excellency its earnest desire that the Government of the United States will, in consideration of the measures taken in its favor, consent to adding champagne and all the other sparkling wines exported from Switzerland to this country to the list of Swiss products enjoying the reduced rates of section 3.

In addition, I also have the honor to impart to your excellency my Government's wish that it may avail itself of the arrangement effected in the commercial agreement with Germany respecting the changes made in the customs and consular regulations as established in your excellency's note to the German ambassador at Washington dated April 22, 1907, appended to the commercial agreement and as they may be hereafter modified according to the intimation contained in your excellency's second note of May 2, 1907.

As regards the competence of chambers of commerce, my Government expresses a wish that the five chambers of commerce, hereinbelow named, be placed on the same footing as the German chambers of commerce. They are:

1. The "Kaumännische Direktorium" of St. Gall, the permanent bureau of the farmer merchant corporation of St. Gall, that has been in existence for centuries.

2. The Chamber of Commerce of Zurich, which is at the head of the commercial community of Zurich and was founded in the eighteenth century.

3. The Chamber of Commerce of Basle, which leads the commercial and industrial association of Basle.

4. The Chamber of Commerce of Geneva, on which the commercial and industrial association of Geneva is dependent.

5. The Swiss Chamber of Watchmakers at La Chaux de Fonds, the central official organ of the Chambers of Commerce and of the Departments of Commerce and Industry in the Cantons of Neuchatel, Vaud, Berne, and Soleure.

All these chambers of commerce have a permanent secretary's office; they are the organs whose advice is sought by the Governments of the Confederation and the Cantons and by the other authorities upo nevery commercial and industrial question; their agency and that of the German chambers of commerce are absolutely alike.

In support whereof I take the liberty of transmitting to your excellency, under separate cover, the by-laws of the five chambers of commerce and a copy of the reports they publish every year on the condition of commerce and industry.

Hoping that the Government of the United States will bestow its benevolent attention upon these several requests of the Swiss Federal Council herein presented, I beg your excellency to accept the renewed assurances of my highest consideration.

A. DE PURY.

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File No. 5727/152–155.

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, D. C., November 20, 1907.

Mr. SECRETARY OF STATE: By your note of the 27th of September last,[a] your excellency was good enough to inform the legation that, before reaching a decision in regard to the requests of the Federal Council set forth in Mr. de Pury's note of the 3d of the same month, the Secretary of the Treasury had expressed a desire to receive additional information concerning the organization of the five chambers of commerce of La Chaux de Fonds, Basle, Geneva, Zurich, and St. Gall, and their relations with the Government.

The legation lost no time in transmitting that wish to my Government which has just communicated to me the explanations I have the honor to submit herein to your excellency.

In compliance with new instructions from the Federal Council, I first have the honor to remark that the Chamber of Commerce and Industry of Berne should be added to the above-named chambers of commerce.

As regards the organization and agency of those chambers, I have the honor to submit to your excellency the following statement:

1. *Chamber of Commerce and Industry of Berne.*—As your excellency will kindly see from the by-laws hereto annexed, that chamber is an official organ of the State, created by a decree of the grand council of the Canton of Berne, under date of November 19, 1897; it is organized, supervised, and officially inspected by the department of the interior and holds, in respect of its character and programme, an absolutely official position.

2. *The Swiss Chamber of Watch-making Industry of La Chaux de Fonds* is also an official organ; its official creation and functions plainly appear from the annexed by-laws which were adopted by the delegated councilors of state, members of the canton governments of Berne, Neuchatel, Vaud, Geneva, and Solothurn. That chamber, the expenses of which are borne by the above-named governments as well as by a subsidy from the Confederation, constitutes an association of all the chambers of commerce, official or acting as such, and of the departments of state of the cantons in which the watch-making industry exists; the five governments just above mentioned, the federal department of commerce, the federal bureau of gold and silver articles, and the members of parliament who belong to the watch-making industry all take an official part in the meetings.

The Swiss Chamber of Watch-making Industries deals with all questions relative to the manufacture and commerce of watches; it would be the competent organ to establish export prices and furnish explanations to the consuls and special agents of the United States.

3. *The Chamber of Commerce of Basle* is the permanent bureau of the commercial and industrial association of Basle; it is subsidized by the Government with which it maintains constant relations. It is

[a] Not printed.

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consulted in every question connected with the commerce and industry of Basle, by the federal, cantonal, and municipal authorities, and no question is dealt with, in that domain, without its being called upon by the Government for its opinion; it is charged with the supervision of the Stock and Produce Exchange (Warren-und-Effekten-boerse). In 1906 it had to render, in addition to other opinions concerning customs claims, the creation of consulates, the federal law relative to food products regulations, and the protection of patents on chemical inventions; the law relative to the practice of law at Basle, the law relative to the keeping of Sunday rest in the Canton of Basle, various improvements in traffic, the time schedules of railways, the navigation of the River Rhine, changes in the organization of the postal and telephone services, etc. It organizes conferences on behalf of the Government and the cantonal commission on commerce and industry always asks a delegation of the chamber of commerce to attend its deliberations; its certificates of origin and authentications are everywhere recognized as are those of the official chambers of other countries.

As stated in the annual report of that chamber of commerce for the year 1906, the consul of the United States, Mr. Gifford, was instructed by his Government to enter into relations with the chamber with a view to determining the normal export prices of Basle products shipped to the United States; on April 4 the consul and the president of the chamber of Basle agreed upon a "form acceptable to all parties" in regard to the part taken by the chamber in determining the said prices.

So that the Federal Government has the honor to ask the Government of the United States to do something which is already in full existence, and it is only a question of obtaining a confirmation by which the assimilation of the Basle Chamber of Commerce to a German chamber shall be sanctioned.

4. *The Chamber of Commerce of Geneva* holds exactly the same situation as that above considered and constitutes the bureau of the commercial and industrial association of Geneva; it is the advisory organ of the administrative council of the city of Geneva and of the Government which communicates regularly with it and allows it a large annual subsidy. In the matter of attestations and certificates delivered by it, that chamber is in every way reliable and all the other foreign customs (French, Italian, Spanish, Russian, South American, and others) accept its certificates of origin; the federal (Swiss) customs administration recognizes its declarations and treats them as those emanating from the administrative authorities of Switzerland.

There is found in the report of the government of Geneva for the year 1905 respecting its relations with the chamber of commerce the following passage:

> The department of commerce and industry has maintained constant relations with the chamber of commerce regarding several questions of interest to commerce and industry, railway time schedules, the exposition of Milan, the hallmarks of gold and silver articles, etc. The department is often glad that it can apply to the chamber for information its administration requires. The annual report of the chamber gives an account of the business attended to by its bureau and bears witness to the pains taken by the latter in the defense of the commercial interests of our market.

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5. *The Chamber of Commerce of Zurich*, which is the permanent bureau of the Zurich commercial community, holds a situation similar to that of the two institutions above mentioned. All matters attended to by a German chamber of commerce come within its province, and even more, since it has the supervision of the stock and produce exchange, whose building was erected and is owned by it. It is a historical institution of the canton of Zurich, and for centuries has taken a considerable part in the development of the country.

The annual report of the government of Zurich to the legislature of the Canton (Zurcher Kantonsrat) contains year after year the following passage:

As regards the commerce and industry of the Canton the technical information is given in the report published by the Zurich Chamber of Commerce.

The report of the chamber of commerce is expressly considered by the government of Zurich as an appendix to the report of its bureau of political economy (Volkswirthschafts-Direktion).

The government of Zurich recognizes the chamber as its competent official organ for information on all questions of commercial or industrial interest; for instance, it consults the chamber as to the selection of candidates for membership in the government commercial commission, the election of judges of the tribunal of commerce, bills relating to commerce and industry. Like the German chambers of commerce, the Zurich chamber attends to opinions and petitions relative to the industrial and commercial development of the Canton; it publishes its views on questions of political economy affecting the country; it published in October last an opinion on the revision of the federal postal law, and on this point proposes amendments to the draft of the Federal Council.

The Zurich Chamber of Commerce holds the formal authorization of the federal customs administration to issue attestations for the Swiss customs traffic; its certificates of origin are unanimously accepted and recognized in all countries, viz: France, Italy, Germany, Spain, Russia, Servia, Turkey, Japan, etc., which look on them as official certificates.

6. *The Commercial Directory of St. Gall* (Kaufmaennisches Direcktorium) constitutes the permanent bureau of the Merchants' Corporation to which the leading merchants of St. Gall belong; it exercises, absolutely and in every way all the functions of an official chamber of commerce. Under it, among others, come the industrial museum of trades and manufacturers which it founded, and the industrial school; it holds the foremost place in the council of the academy of commerce; its action is supported by a large capital fund which comes from its formerly being in charge of the postal and savings banks service. The Commercial Directory has been in existence about four centuries, and as early as the seventeenth century played a prominent part in the history and the economical and even the political development of the Canton of St. Gall; it is vested with a wide authority sanctioned by the executive powers.

The history of the Commercial Directory and of its great activity in every branch concerning the economical life of the country is set

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forth in a pamphlet hereto annexed, and has been published in the Swiss Dictionary of Political Economy. The work accomplished by the directory can be traced at every step in the industrial and commercial development of eastern Switzerland and there is no foundation, institution, or association for industrial, commercial or public good purposes to which it has not brought active cooperation or financial aid. The deep roots it has thrown into the historic past of the Canton, the traditions of honor that have always underlain its management, its unquestionable qualifications from a commercial and industrial standpoint, the preponderating part it has ever been called upon to take in the affairs of the country jointly with the authorities, its collaboration with the federal and cantonal government organs in all questions affecting economical conditions in Switzerland, permit of the directory being considered as an official, if not semi-official, organ.

The directory is at present the advisory organ of the federal, cantonal, and municipal authorities in all questions concerning industry and commerce, and it publishes annual reports on the subject. It has frequently entered into relations with the consuls of the United States to assist in determining the declared values of embroideries and in the computation of lace points upon which the declarations are based; it is therefore well known as being the institution that performs on all questions at St. Gall the part of an official, commercial, and industrial chamber.

As already stated, all the above-mentioned organs publish yearly extensive reports on the condition and progress of the commerce and industry of their respective cantons. Although not all of them were created by the State, they nevertheless bear a general official character recognized by the Governments; they are vested with the needful authority and render to the public weal the same services as the German official chambers.

I venture to add that the representatives of the Government of the United States in Switzerland have surely had opportunities to satisfy themselves as to the semiofficial character of the chambers of Basle, Geneva, Zurich, and St. Gall, whose certificates of origin are accepted and recognized by all the nations that require declarations of that character, and as to the unquestioned authority with which those institutions are vested.

I therefore entertain the hope that the Government of the United States will agree to putting the six chambers of commerce hereinabove considered on the same footing as the German chambers of commerce or those of several other countries in which those institutions appear also to have originally emanated from the merchants' private initiative.

I should be very thankful to your excellency if you would kindly take into favorable consideration the requests of the Federal Council set forth in the note of September 3 and the present one, and commend their object to the Treasury Department.

With the anticipated expression of my warm gratitude, be pleased, etc.,

VOGEL.

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File No. 5727/152–155.

The Acting Secretary of State to the Swiss Minister.

No. 58.] DEPARTMENT OF STATE,
Washington, December 6, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 20th ultimo, in continuation of the subject of your legation's note of September 3, 1907, and the department's reply under date of the 27th of the same month, in which you inform the department as to the organization of the Chamber of Commerce and Industry of Berne, the Swiss Chamber of Watch-making Industry of La Chaux-de-Fonds, the Chamber of Commerce of Basle, the Chamber of Commerce of Geneva, the Chamber of Commerce of Zurich, and the Commercial Directory of St. Gall, and express the hope that the United States will place these chambers of commerce on the same footing as the German chambers of commerce, as regards the extension to them of the benefits of the modifications of the customs regulations of the United States made by this Government in connection with its new commercial agreement with Germany.

In reply, I have the honor to say that your request is having consideration, of the result of which I shall not fail to apprise you promptly.

Accept, etc., ROBERT BACON.

File No. 5727/157.

The Acting Secretary of State to the Swiss Minister.

No. 60.] DEPARTMENT OF STATE,
Washington, December 13, 1907.

SIR: Referring to your note of the 20th ultimo and the department's acknowledgment of the 6th instant relative to certificates as to value issued by certain Swiss chambers of commerce, I have the honor to inform you that the department is in receipt of a letter from the Acting Secretary of the Treasury, stating that all customs officers will be instructed in the next issue of the "Treasury Decisions" that the provisions of point "F" of the diplomatic note annexed to the agreement with Germany have been extended to the following Swiss chambers of commerce:

The chambers of commerce of Zurich, Basle, Geneva, and Berne, the Swiss Chamber of Watchmakers at La Chaux-de-Fonds, and the Commercial Directory (Kaufmännische Direktorium) of St. Gall.

Accept, etc.,

ROBERT BACON.

INTERPRETATION OF THE WORD "CHAMPAGNE" AS USED IN THE COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND GERMANY.

File No. 5727/81.

The French Chargé to the Secretary of State.

[Translation.]

THE FRENCH EMBASSY,
Newport, R. I., July 7, 1907.

Mr. SECRETARY OF STATE: The text of the commercial convention concluded between the United States and Germany grants the benefit

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of the reduced rates provided by section 3 of the American tariff to certain "products of the soil and industry of Germany," among which are included "champagnes and other sparkling wines."

The word "champagne" thus wrongfully used has deeply stirred the French champagne growers, who rightfully hold that the use of the word in the enumeration of "the products of the soil and industry of Germany" can not but be considered regrettable.

This use of the word may indeed work serious injury to the French growers, in that it tends to let an equivocation continue forever by favoring frauds as to indications of origin.

The American act of June 30, 1906, intended to prevent the manufacture, sale, or transportation of adulterated, misbranded, poisonous, or deleterious foods, drugs, medicines, and liquors and to regulate traffic therein, was, as it appeared, to exclude, hereafter and forever, sparkling wines made in Germany or other countries and wrongfully assuming the name of champagne from the market of the United States.

Indeed, while the introduction of the misbranded food products into the territory of the Union is prohibited by section 2, section 8 provides, on the one hand, that the term "misbranded," as used in the act, shall apply to all drugs or articles of food bearing false indications as to the State of the Union, the Territory, or foreign country in which it is grown or manufactured, and, on the other hand, that any article shall be deemed to be misbranded if it be an imitation of or offered for sale under the distinctive name of another article.

If, then, the introduction of the word "champagne" in the German-American convention should carry the recognition of the existence of German "champagnes" and grant them admission into the United States at reduced tariff rates, the convention would be in obvious conflict with the above-cited act of June 30, 1906, to the serious injury of French growers.

I trust that your excellency will kindly give me the assurance that such is not the import of the convention, and that that instrument can not prevail against the strict enforcement of the law; that the word "champagne" was inserted therein merely because it appeared in the wording of section 295 of the customs tariff of the United States, together with all sparkling wines; but that the stipulated reduced rates shall of course apply to the German articles only—that is to say, to sparkling wines, exclusive of champagne, which can not be produced in Germany.

Be pleased, etc., DES PORTES.

File No. 5727/132.

The Secretary of State to the French Chargé.

No. 457.] DEPARTMENT OF STATE,
Washington, September 24, 1907.

SIR: I have the honor to acknowledge receipt of your note of July 7 last, protesting against the use, in the new commercial agreement

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between the United States and Germany, of the word "champagne" as a product of Germany, and, in reply, to inform you as follows:

The representations contained in your note have been made the subject of conference with the Department of Agriculture, which department is charged with the application of the so-called pure-food laws, with a view to ascertaining whether the statutory requirements as to the designation of the nature and place of origin of a foreign product upon the label thereof are applicable to the present case.

It is to be remarked that the provision of the commercial agreement with Germany to which you advert, necessarily follows the language of the third section of the tariff act of July 24, 1897. It reads therein, as it does also in the text of the German agreement, "Champagne and all other sparkling wines," thus indicating that "champagne" is to be taken specifically as distinguished from all other effervescent wines; whereas in your note the word "champagnes" is employed as though it were a generic term. It has been the understanding of this department that the generic designation of sparkling wines as champagnes, although a common license of popular speech, does not obtain in Germany, and that the sparkling wines of that country are known by other designations (such as "sekt" or "trocken," for example) and show, on the label, their name and place of origin, so that confusion of the German products with the true champagne of French origin is not likely to occur. In point of fact it may not be correct to say that champagne, eo nomine, is a German product.

The favored customs rate granted by the commercial agreement would appear, therefore, to be, in fact and practically, applicable to other sparkling wines than champagne, being the product of the soil and industry of Germany.

It is the province of the Department of Agriculture, in the execution of existing laws, to see that imported foreign products—and especially products favored by reciprocal commercial engagements—are correctly branded or labeled both as to designation and place of origin. Referring to the fact that the international convention for the protection of industrial property, signed at Paris March 20, 1883, to which the United States, France, and several other Governments are parties, recognizes the right of any Government which is a party to it to prohibit the importation of goods bearing false indications of locality of origin, the Secretary of Agriculture expresses the opinion that it will be easy to obtain the proper labeling of products coming from foreign countries as required by the food and drugs act of June 30, 1906. In the existing conditions the Secretary of Agriculture holds that the term "champagne" should be restricted to the wine which is produced in the champagne district in France from grapes grown in that district for that purpose, and he further states that he regards as misbranding the use of a label containing the term "champagne" on sparkling wines coming from any other locality save that of the champagne district as delimited by the committee appointed for that purpose by the French Government.

Accept, etc.,

ELIHU ROOT.

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EXTENSION OF THE PROVISIONS OF THE NATURALIZATION TREATIES BETWEEN THE UNITED STATES AND GERMANY TO ALSACE-LORRAINE.

File No. 4908.

The Acting Secretary of State to Ambassador Tower.

No. 615.] DEPARTMENT OF STATE,
Washington, February 27, 1907.

SIR: Since January 1 of the present year naturalizations have been conferred in accordance with the provisions of the naturalization law, approved June 29, 1906, and the inauguration of the more rigid system which that law requires makes the present an appropriate time in the opinion of this Government to open negotiations with certain foreign Governments looking to conventional agreements defining the rights of American citizens when they return to the country of their origin. Under the new law it is required that the Federal Government shall receive notice of all naturalizations, pending and accomplished, and adequate means are provided for setting aside naturalizations improperly granted in the past as well as in the future, while general control of all naturalization matters is lodged with the Federal Government. Copies of the act of June 29, 1906, are herewith inclosed for your use.

So far as Germany is concerned, the negotiations which you are instructed to open relate only to the point of an extension of the treaty provisions which now cover all of the Empire, except, as the German Government insists, the imperial territory (Reichsland) of Alsace-Lorraine, which was acquired after the treaties were made. This Government adverts with satisfaction to the intimations conveyed to you last summer by the German foreign office that overtures for such negotiations would not be untimely, and in opening them you may lay before the foreign office the considerations set forth in this instruction adding such supporting arguments as may seem to you judicious.

In the history of our relations with the German Empire and the German States which were formed into the Empire the circumstance which has had the greatest influence in drawing the people of the United States and of Germany into friendly accord is the negotiation in 1868 of what are known as "the Bancroft treaties." Before they were made, exasperating disputes over the rights of American citizens of German origin traveling in the German States were of frequent occurrence; but since the treaties have been in operation American citizens of German birth have felt assured of their rights, and the occasional cases of disagreement which have arisen have yielded readily to friendly diplomatic treatment. Undoubtedly the fact of the existence of the treaties has been an important contributory cause to the increasing commerce and trade between the two peoples which has redounded to the material benefit of both.

Only in the case of American citizens formerly Alsacians or Lorrainers who visit their native land are the satisfactory conditions which prevail throughout the rest of the Empire wanting. These people are, according to the German Government's contention, not

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protected by treaty, and they are liable to be subjected to the German military law, if they venture, for any reason, however praiseworthy or necessary, to return for a visit, however brief its intended duration. This state of affairs not only works hardship upon a deserving class of American citizens, but has an unfortunate influence upon the relations of the United States and Germany; for every American citizen of Alsace-Lorraine origin who suffers molestation for nonperformance of military service relates his grievances to his friends in the United States and spreads information concerning his grievances. Often, also, they receive publicity in an exaggerated form through the newspapers, and produce an undesirable effect on public opinion in the United States.

This Government has no desire to reopen what would probably prove to be a fruitless discussion of the question of the applicability of the existing treaty stipulations to the territory of Alsace-Lorraine. It is beyond dispute that Mr. Bancroft, who negotiated the treaties, considered that they covered the Reichsland, and he so informed the department soon after it became a part of the German Empire; and it is also beyond dispute that for ten years after the annexation of Alsace-Lorraine it was not denied by Germany that the naturalization treaty with North Germany was operative in the newly acquired province.

You will, therefore, address yourself to the practical question which now confronts us and endeavor to secure from the German Government an arrangement, conventional or otherwise, which will put American citizens born in Alsace-Lorraine upon the same footing as other American citizens of German origin returning to that country for legitimate purposes.

I am, etc., ROBERT BACON.

File No. 4908/1–2.

Ambassador Tower to the Secretary of State.

No. 1121.] AMERICAN EMBASSY,
Berlin, March 15, 1907.

SIR: I have the honor to acknowledge the receipt of Mr. Bacon's dispatch No. 615, of the 27th of February, 1907, by which I am instructed to open negotiations with the Imperial German Government for the extension to the territory of Alsace-Lorraine, called "the Reichsland," of the provisions relating to naturalized American citizens contained in the treaty of 1868, known as the "Bancroft treaty," now applicable to other parts of the German Empire; and I am further instructed to endeavor to secure form the German Government an arrangement, conventionally or otherwise, which shall put American citizens born in Alsace-Lorraine upon the same footing as other American citizens of German origin returning to Germany for legitimate purposes.

In accordance with these instructions, I have addressed to-day a note to the imperial secretary of state for foreign affairs. Herr von Tschirschky und Bögendorff, a copy of which is respectfully herewith inclosed. And I have had a personal interview with Herr von Tschirschky in which I handed to him my note and a copy of your instructions to me and requested of him that he would give immediate

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and personal attention to this subject in order that an agreement may be arrived at between the Imperial German Government and the Government of the United States under which the rights of naturalized American citizens shall be recognized within the territory of Alsace-Lorraine in the same manner as they are now recognized in other parts of Germany.

The imperial secretary of state expressed an interest in this question, with which he is entirely familiar, and he recalled the fact that he had suggested the possibility of a treaty upon this subject in the note which he addressed to me on the 22d of May, 1906, a copy of which I inclosed to you in my dispatch No. 972, of May 30, 1906.[a] He promised that he would take up the subject at once with the chancellor of the Empire, the minister of justice, and such other authorities as will necessarily have to be consulted under the German procedure, and that he hoped to give me a reply as to the likelihood of our being able to establish such an arrangement as the treaty proposed within the course of the next week.

I have, etc., CHARLEMAGNE TOWER.

[Inclosure.]

Ambassador Tower to the Minister for Foreign Affairs.

F. O. No. 1025.] AMERICAN EMBASSY,
Berlin, March 15, 1907.

MR. SECRETARY OF STATE: I have the honor to inform your excellency that I have been instructed by the Government of the United States of America to call to the attention of the Imperial German Government the question of the extension to the Reichsland, of Alsace-Lorraine, of the provisions of the naturalization treaties entered into between the two Governments on the 9th of May, 1868, known as the "Bancroft treaties."

The Government of the United States expresses its gratification at the intimation which I had the honor to convey last summer upon the receipt of your excellency's note, addressed to me on the 22d of May, 1906, relating to the case of one Maurice Kahn, a native of Alsace-Lorraine, in which your excellency took the opportunity to declare that "the provisions of these treaties can be extended to Alsace-Lorraine only by means of a treaty to be hereafter entered into by the United States of America and the German Empire."

The Government of the United States recognizes the fact that, in its relations with the German Empire and the German States which were formed into the Empire, the circumstance which has had the greatest influence in drawing the people of the United States and of Germany into friendly accord is the negotiation, in 1868, of what are known as the "Bancroft treaties," and that the fact of the existence of these treaties has been an important contributory cause to the increase in commerce and trade between the two peoples, which has resulted in the material benefit of both. The beneficent influences arising from the establishment of this international accord based upon the Bancroft treaties have not been extended, as your excellency will recollect, to the territory of the Reichsland, and, therefore, the question of the rights of American citizenship acquired by natives of Alsace-Lorraine who have been naturalized in the United States has given rise to perplexing and difficult questions which have extended through many years. Although these questions have ultimately been adjusted by diplomatic negotiation and correspondence based upon the continued friendly relations which have always subsisted between Germany and the United States, yet it is the desire of the United States Government that such questions may be finally disposed of for the future by common accord beween the two Governments.

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[a] See Foreign Relations, 1906, p. 650.

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The United States Government has no desire at present to reopen what would probably prove to be a fruitless discussion of the question of the applicability of the existing treaty stipulations to the territory of Alsace-Lorraine, and I have the honor, therefore, to inform your excellency that I am instructed by my Government to open negotiations with your excellency for the purpose of establishing with the Imperial German Government an arrangement, by treaty or otherwise, which will put American citizens born in Alsace-Lorraine upon the same footing as other American citizens of German origin returning to Germany for legitimate purposes.

I beg that your excellency will take this matter into your personal consideration, and I trust that as a result of this step upon the part of the United States Government an agreement may be reached upon which this question may finally be decided to the advantage and continued relations of both countries, and in this connection I am confident that I need not assure your excellency that I am always entirely at your service and ready to assist in any way toward the attainment of that end.

I have the honor to inclose to your excellency herewith a copy of the instruction which I have received from the United States Government in this connection in a dispatch addressed to me by the Hon. Robert Bacon, Acting Secretary of State, on the 27th of February, 1907.

I avail myself, etc., CHARLEMAGNE TOWER.

MILITARY SERVICE CASE OF HENRY SCHULTHEIS.

File No. 5326/–1.

The Secretary of State to Ambassador Tower.

No. 588.] DEPARTMENT OF STATE,
Washington, December 15, 1906.

SIR: I inclose, for suitable inquiry and report, copy of a letter from Mr. Henry Schultheis, of New York, who desires permission to visit his former home in Germany.

This military case, it appears, was the subject of correspondence between the embassy and Mr. Schultheis in 1900.

I am, etc., E. ROOT.

[Inclosure 1.]

Mr. Schultheis to the Secretary of State.

NEW YORK, *December 10, 1906.*

DEAR SIR: As I would like to visit my birthplace with my family next year, I would ask if you would be kind enough to use your good offices in my behalf with the German embassy, so as to permit me to make this visit.

I was born in Flonheim, Rheinhessen, November 12, 1864, and left for the United States during October, 1886 (after being drafted to serve in the army), and became a citizen of the United States in 1892.

I had occasion to go on business to Europe during the spring of 1900 and, wanting to combine business with pleasure, wrote from London to our embassy at Berlin, asking the embassy's aid in securing for me permission to visit my former home, giving at the time full particulars of my case. I received reply M. No. 2244, saying that the embassy would do all they could for me, and on July 18 I received letter M. No. 2361, of which I inclose copy herewith.

I regret to state, however, that my visit did not turn out as anticipated. I left just in time to avoid arrest. I notified the embassy of the trouble and received reply M. No. 2548, and (at the suggestion of Mr. John B. Jackson, secretary) I addressed a petition for pardon to His Majesty Emperor Wilhelm on or about October 25, 1901, to which I received a reply that the pardon could only be considered after I had reported for duty to the regiment to which I was detailed. I was informed by the embassy at Berlin that if I followed that sug-

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gestion I would lose my citizenship of the United States; therefore it was out of the question for me to avail myself of this opportunity.

Being now more than 42 years old, I am inclined to believe that the charge against me is outlawed and that with the assistance of your kind offices permission might be granted me to revisit my birthplace.

Thanking you in advance for whatever aid you might be able to extend to me, I beg, etc.,

HENRY SCHULTHEIS.

[Inclosure 2.]

Chargé Jackson to Mr. Schultheis.

AMERICAN EMBASSY,
Berlin, July 17, 1900.

SIR: Referring to previous correspondence, the embassy has much pleasure in informing you that it has to-day been notified by the German foreign office that "di Grossherzoglich Hessische Regierung eine vorübergehende Rückkehr des Bürgers der Vereinigten Staaten Heinrich Schultheis aus Flonheim in seine Heimath nicht beanstandet." In case you are in any way molested by the local authorities during your proposed visit to your former home, you should at once communicate with the embassy or with the American consulate at Mainz

I am, etc.,

JOHN B. JACKSON.

File No. 5326/3–4.

Ambassador Tower to the Secretary of State.

No. 1118.] AMERICAN EMBASSY,
Berlin, March 7, 1907.

SIR: In accordance with the instructions contained in your dispatch No. 588, of the 15th of December, 1906, in which you inclosed to me a copy of a letter from Mr. Henry Schultheis, of New York, who desires permission to visit his former home in Germany, I have the honor to report to you that the case of Mr. Schultheis was immediately submitted to the imperial German ministry for foreign affairs, and that I have to-day received, under date of the 6th of March, 1907, a note in reply from the ministry for foreign affairs, a copy and a translation into English of which are herewith respectfully inclosed. It appears from this note that Mr. Schultheis will not be permitted to return to Germany on a visit unless he is willing to submit himself to trial for desertion.

I have, etc., CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Tower.

NOTE VERBALE.

BERLIN, *March 6, 1907.*

The imperial German ministry for foreign affairs has the honor, in reply to the note verbale of the 4th of January last, F. O. No. 980, to report that it must let the matter rest with the decision rendered by the president of the imperial military court in the matter of the request presented by the embassy on behalf of Heinrich Schultheis, formerly a Hessian subject, now a citizen of the United States of America. In accordance with this decision, it must be left to Schultheis whether he is willing to return to his former home and submit

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himself to the proper authorities for trial in a regular process for desertion. Schultheis can not, therefore, be permitted a temporary visit to his home unless he submits himself to such trial.

CITIZENSHIP OF PERSONS BORN IN THE UNITED STATES OF GERMAN PARENTS AND LIVING IN GERMANY.

File No. 4932.

Ambassador Tower to the Secretary of State.

No. 1093.] AMERICAN EMBASSY,
Berlin, February 5, 1907.

SIR: I have the honor to submit to you for your decision the case of one Carl Gundlich, whose father Carl Gundlich, residing in Kiedrich, Rheingau, has applied to this embassy for a passport for the boy.

It appears that the father, Carl Gundlich, and his wife went to America from Germany in 1886. They resided there (I am not informed in what part of the United States) for one year and a half, and returned to Germany in November, 1887. While they were in America the son, who is now an applicant for a passport, was born. He was brought back to Germany with his parents when he was 11 months old, and has resided with them in Kiedrich ever since. He speaks no English and has no interest in America, and the father has no property of any kind there. The application for a passport is based upon the fact that this young man was born in the United States. The father has exhibited at this embassy a certificate of birth, issued by the health department of the city of New York, at New York, on the 18th of November, 1887, showing that the boy Carl Gundlich was born there on the 20th of January, 1887.

The father says in a letter addressed to me on the 9th of January, 1907: "My son does not intend to go to America if he can stay here and is not obliged to perform military service, or if he is not expelled from Germany. Otherwise it is possible that he may return to America."

The whole effort upon the part of this man and his son is intended to enable the boy to use the fact of his birth in the United States in order to escape his duties in Germany.

Subject to your approval, I shall decline to issue a passport to him.

I have, etc.,

CHARLEMAGNE TOWER.

File No. 4932.

The Acting Secretary of State to Ambassador Tower.

No. 618.] DEPARTMENT OF STATE,
Washington, March 8, 1907.

SIR: The department has received your No. 1093 of February 5, submitting the case of Carl Gundlich, who was born in the United States November, 1887, of German parents, and brought back to Germany when he was 11 months old, where he now resides, as it would appear, without intention of returning to the United States. Subject

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to this department's approval you propose to decline to issue a passport in his favor.

The young man is, however, undoubtedly a citizen of the United States under the terms of the Constitution and section 1992 of the Revised Statutes, which declare that all persons born in the United States are citizens thereof. (For judicial determination on this point, see the Report of the Citizenship Board, page 73.)

It does not appear that any conflict of private international law has as yet arisen in this case, and until reaching his majority young Gundlich is not competent to elect another nationality than that of his birth. At present, therefore, he must be considered a citizen of the United States, and as such he may be granted a passport, provided he does not intend to put it to an improper or unlawful use. If you issue a passport to him you should advise him that if, upon reaching the age of 21, or soon thereafter, he does not return to the land of his birth, this Government may reasonably conclude that he has elected another nationality.

I am, etc.,

ROBERT BACON.

PUNISHMENT FOR CRIME COMMITTED BEFORE, AND NOT MENTIONED IN, EXTRADITION PROCEEDINGS.

File No. 10334.

The German Ambassador to the Secretary of State.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, December 7, 1907.

MR. SECRETARY OF STATE: The extradition of the merchant Georg Bartholomaus from the United States of America was in due time granted for the offense of forgery charged against him in the warrant of arrest issued on the 3d of July, 1905, by the Prussian provincial court of Kassel, and the accused was sent back to Germany in September, 1905.

Bartholomaus was sentenced by the Prussian court of Kassel, on January 31 of last year, on the above-described count of two years and three months' imprisonment, of which three months of detention pending trial were considered as having been served. Bartholomaus will serve this sentence in the jail at Kassel-Wehlheiden until the 31st of January of next year.

Another criminal action against the extradited man by the Government attorney at Kassel is still pending for the offense of fraudulent bankruptcy, which was committed before Bartholomaus fled to the United States. Extradition on the ground of that offense was not asked at the time because it was not extraditable under the extradition treaty of June 16, 1852.

The German Government understands that in extradition cases occurring between the German Empire and the United States of America the extradited person can only be prosecuted and punished for offenses charged against him and in support of which evidence has been submitted with the request for extradition and found adequate in the course of extradition proceedings.

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There is no provision in the existing extradition treaty as to whether and how a person extradited to Germany from the United States of America may be prosecuted and punished for an offense committed prior to extradition.

The German Government is of opinion that the principle under which an extradited person is not amenable or subject to punishment for offenses committed before he was extradited other than those for which extradition was granted does not confer absolute immunity for all time but that the limitations placed upon the prosecution of an extradited person on account of offenses committed prior to extradition lapse when the sojourn of the prosecuted person in the country is no longer the immediate consequence of his extradition. This will undoubtedly be admitted to be the case when the extradited person has left the country to which he was extradited and subsequently returns thereto. It will also be admitted to be the case when the extradited person, although free to leave that country, nevertheless remains there of his own will. For a person who voluntarily continues to reside in the country to which he was extradited can no longer be considered as an extradited person.

This seems to have been also the understanding of the Government of the United States of America. The then envoy of the United States submitted on the 18th of July, 1891, a draft for a new extradition treaty which, by its Article V, provided that no extradited person could, without his consent, freely and publicly declared, be prosecuted or sentenced for any crime or offense committed prior to extradition unless he had had the opportunity to return to the country from which he had been extradited.

Again, Article III, section 1, of the extradition treaty between the United States of America and the Republic of Nicaragua of March 1, 1905, contains a provision that the extradited person may be prosecuted for an offense committed prior to the extradition and not provided for by the treaty if he has not left the country to which he was extradited within one month after his final discharge.

In accordance with the usual course followed toward foreign States by Germany in extradition cases, it is proposed to allow Bartholomaus a month within which he will be at liberty to leave the German Empire after his discharge.

I should be under special obligation to your excellency for an expression of your views as to whether the Government of the United States concurs in the action it is proposed to take in this case.

Accept, etc.,

STERNBURG.

File No. 10334.

The Secretary of State to the German Ambassador.

No. 670.] DEPARTMENT OF STATE,
Washington, December 28, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 7th instant requesting the decision of the department as to whether Georg Bartholomaus, extradited from the United States to Germany for the crime of forgery, and now serving a term of imprisonment therefor, can be prosecuted for an offense committed prior to extradition and not set forth in the requisition for his extra-

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dition, provided no action is taken until a month after his release from the present term of imprisonment.

In reply I have the honor to say that where our treaties of extradition with foreign countries contain no express limitation of the right of the demanding country to try a person only for the crime for which he was extradited, it is the practice of this department to imply such a limitation on the ground that such is within the manifest scope and object of these treaties, notwithstanding there is no express stipulation to this effect. So far as extradition from this country is concerned, this attitude is required by reason of the ruling of the Supreme Court of the United States to the effect that the Revised Statutes of the United States relating to extradition clearly manifest the intention that the fugitive shall be tried for that offense only with which he is charged in the extradition proceedings and for which he was delivered up; and that if not tried for that crime he shall have a reasonable time to leave the country before he is arrested upon the charge of any other crime which he committed before his extradition. The same reasonable time would also have to be allowed after an acquittal of the crime charged in the extradition proceedings, or, as it would appear, after the expiration of the term of confinement following a conviction for such a crime, before an arrest could be made for the commission of a crime not charged in the extradition proceedings and committed prior thereto.

The department is therefore in accord with the embassy upon the general principle that trial and acquittal of, or trial and conviction for an extradition offense, does not clothe the fugitive with permanent immunity from prosecution for other offenses committed prior to extradition, but that the fugitive may be rearrested after he has been given a reasonable time to depart from the jurisdiction.

Such being the principle in the United States, this department sees no reason to object to its application in Germany.

Since in the United States the question "What is a reasonable time?" is one for the determination of the courts, and not for the executive, it is impossible for the department, in the absence of treaty, to specify thirty days as the proper period. It is true that some of the recent extradition treaties between the United States and foreign countries fix the time at thirty days, but others merely provide for the lapse of a "reasonable time" before the rearrest can be secured. The question would be determined with reference to the facts of each particular case, and a duration of time which might be entirely reasonable in one case might not be reasonable in another.

Accept, etc.,

ELIHU ROOT.

MARRIAGE OF AMERICAN CITIZENS IN GERMANY OR ON GERMAN TERRITORY.

File No. 6878/–4.

The Acting Secretary of State to Ambassador Tower.

No. 693.] DEPARTMENT OF STATE,
Washington, August 7, 1907.

SIR: I inclose herewith copy of a dispatch from the American consul at Tsingtau transmitting copies of correspondence between

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himself and Mr. A. B. Dodd, and asking for information regarding methods to be pursued in cases of marriages between Americans in Germany or German territory. Copies of the department's reply and of a memorandum of the department's law officer are also inclosed herewith.

The department will be glad if you will consider the questions involved and report as to the advisability of bringing the matter informally to the attention of the German Government, with a view to arriving at some satisfactory solution of the difficulties presented.

I am, etc.,

ROBERT BACON.

[Inclosure 1.]

Consul Gracey to the Assistant Secretary of State.

No. 10.] AMERICAN CONSULATE,
Tsingtau, China, April 24, 1907.

SIR: I have the honor to inclose herewith copies of correspondence between this office and Mr. A. B. Dodd, of Tsinanfu, regarding his marriage.

After receiving my dispatch No. 127, Mr. Dodd telegraphed me "Gracey, Tsingtau. Would you accept invitation from Fowler (consul at Chefoo) to represent him at wedding here. (Signed) Dodd," to which I replied: "Certainly, if Fowler requests me by direct telegram." Apparently Mr. Dodd again telegraphed to Mr. Fowler, who wired that he was "powerless to appoint me, but had appointed Hamilton as agent," thus satisfactorily solving the difficulty.

Mr. Dodd's question as to the possibility of being married in Tsingtau, to which I made a reply in my dispatch No. 127 (inclosure No. 4), raises the question of the method to be pursued in cases of marriage of Americans in Germany or German territory.

In referring to Moore's International Law I find that this has been the subject of diplomatic correspondence between the department and the ambassador to Germany, but does not explain the final settlement arrived at, and the method now pursued by persons of American birth desiring to contract a marriage in Germany.

The government officials here seem to consider that it would be possible for the American consul in Tsingtau to issue such a certificate as is necessary, but I see no authority by which such a certificate could be issued by this office, nor do I believe this would be sufficient under the law which expressly states that the certificate must be issued by "a competent magistrate of the country to which they belong that he does not know of any impediment under its laws to their marriage."

This question is one which has undoubtedly come before the department on numerous occasions, and I shall be greatly obliged if you will inform me what advice I should give to Americans applying to me for information on this subject.

I am, etc., WILBUR T. GRACEY.

[Subinclosure.]

Consul Gracey to Mr. Dodd.

No. 127.] AMERICAN CONSULATE,
Tsingtau, China, March 30, 1907.

SIR: Replying to your letter of the 27th instant, I beg to inform you that I have consulted with the German official here who is authorized to perform marriages (Doctor Gunter), and on consulting the law it appears to be impossible to perform the ceremony of marriage here as suggested by you.

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First. It is impossible for me to perform the ceremony, as I have no extra-territorial rights here.

Secondly. If the service was performed by an American minister, as you suggest, he would be liable to arrest and punishment by the local authorities for performing the ceremony without a license from the local government.

Thirdly. The colonial German officials are unable to marry you here without "a certificate from a competent magistrate of the country to which they belong that he does not know of any inpediment under its laws to the marriage, the competency of such magistrate to issue the certificate to be attested by a diplomatic or consular officer of the German Empire." The Department of State informed the German ambassador at Washington that it was not advised of any federal, state, or territorial law that provided for the issuance by any magistrate of such a certificate.

It appears, therefore, that owing to this law, which was inaugurated in 1900, Americans can not be married in Germany or on German territory. I can find nothing to show how a marriage could now be performed in Germany, and presume that the question is still under discussion. In any event I am informed by the colonial officials that you could not be married here without the production of such a certificate, and there appears to be no way by which I or any one in China could provide you with such a paper.

I am obliged to telegraph you "No" as an answer in the negative to your question as to whether "a marriage of marriageable American citizens by an ordained minister in my presence at Tsingtau would be practicable and unquestionably valid."

As suggested in my previous letter, your wisest course would be to go to Chefoo and be married there before the American consul-general.

The validity of a marriage contracted in China by a minister of the gospel without the presence of a consul has never, so far as I know, been settled by judicial proceedings. Any views expressed by myself or any government official can only be considered as executive advice. It is not possible for me or any one to predict what might be the future judicial rulings on this difficult question of law regulating matrimonial capacity in cases of marriage in China. I have in my office the opinion of Mr. Bayard, Secretary of State, Mr. Blaine. Secretary of State, Mr. Denby, late minister to China, and others, and the opinions seem to agree in the fact that such a marriage "being exclusive sexual union for life" would be "in conformity with the great body of judicial authority in the United States," but that it would establish a valid marriage has, so far as I know, not been decided.

Under the existing condition I would give it as my opinion, and in this I am speaking with the same words used by Mr. Denby and approved by Mr. Blaine, that "it is a wise precaution, in order to avoid any possible future trouble, for marriages between Americans in China to be performed in the presence of the consul."

While entertaining this view, Mr. Denby did not pretend to say that the courts might not hold a marriage valid when the ceremony had been performed by a clergyman, or even in cases where there was no ceremony at all, if cohabitation and public recognition of the conjugal status existed; nor did he pretend that he had any official right to dictate to parties how they should be married, but it appeared to him to be necessary to use all care in explaining the conditions in order that the parties might not be misled by his silence.

As you have asked in a confidential manner for my advice, while not presuming to dictate, I would certainly advise your not being married at Tsinanfu unless the consul at Chefoo, or his vice and deputy consul, consents to go to that city to be present at your wedding. If this is not possible, then I should advise you, although it may be inconvenient, to go to Chefoo.

I am, unfortunately, not able to assist you, as not only is Tsinanfu outside my district, but it is, also, in a different country from the one from which I have received my exequatur.

I am most sorry for you in your predicament, and wish I could be of service to you, but under the circumstances you will recognize the impossibility.

I am, etc.,

WILBUR T. GRACEY.

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[Inclosure 2.]

The Secretary of State to Consul Gracey.

No. 22.] DEPARTMENT OF STATE,
Washington, July 29, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 10 of April 24, 1907, inclosing copy of correspondence between your office and Mr. Albert B. Dodd, of Tsinanfu, China, relative to his marriage, and requesting to be informed as to what course you should pursue in cases of marriages of Americans in German territory.

In reply I have to state that your course of action with regard to the difficulty of Mr. Dodd in having his marriage properly witnessed and performed is approved by the department.

As to the question of marriages of Americans in German territory, the matter in regard to which you inquire is still in the same unsatisfactory situation indicated in section 245 of Moore's International Law Digest. As there stated, the department, as a result of an inquiry from our consul-general at Berlin, addressed a circular letter to the governors of the various States and Territories, inquiring whether the courts issue certificates of competency such as are required by section 2 of the German Imperial Marriage Code. As a result of the replies received to these inquiries, the department learned that there was "no person in any State authorized to issue the certificate" in question; but the department does not authorize American consular or diplomatic officers to certify to this effect. The department understands that the German local authorities frequently accept an opinion from an American lawyer, to the effect that the laws of the State or States of the Union in which the Americans who wish to contract a marriage in Germany reside, interpose no obstacle to the marriage, such opinion being supplemented by a certificate of a German consular officer as to the professional standing and competency of the attorney rendering the opinion.

Should any more definite adjustment of this troublesome question be reached, you will be promptly advised by the department.

I am, etc.,

W. J. CARR,
(For the Secretary of State).

[Inclosure 3.]

Marriage of American citizens in Germany.

[Memorandum.]

SOLICITOR'S OFFICE, DEPARTMENT OF STATE,
Washington, July 26, 1907.

Under date of April 24, 1907, our consul at Tsingtau, China, a German port, asked to be informed what advice he should give to those applying to him for information concerning the method pursued by American citizens desiring to be married in Germany.

Bearing on this subject is a portion of section 1315 of the Civil Code of Germany, which provides that foreigners who, according to the laws of the State require a permit or certificate, are not permitted to contract a marriage without such certificate.

In a note to this section Schumann, in his compilation, "The Law of Marriage and Divorce of the German Empire," says, on page 7:

"All the States of the German Empire require of foreigners, besides a certificate of birth, a certificate from the authorities of the foreigner's place of residence, certifying that no obstacle to the contemplated marriage exists, according to the laws of the foreigner's place of residence. Both certificates must be certified to by an imperial consular officer. Besides this, the banns of marriage must be published in the place the foreigner has resided in during the six months prior to the contemplated marriage."

The law of Prussia on this point (art. 43) provides that aliens desiring to marry in that Kingdom must present a certificate from a competent magistrate of the country to which they belong that he does not know of any impediment under its laws to their marriage, the competency of such magistrate to issue

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the certificate to be attested by a diplomatic or consular officer of the German Empire. (Moore Int. Law Dig., vol. 2, p. 542.)

The department informed the German ambassador that it was not advised of any federal, state, or territorial law that provided for the issuance by any magistrate of any certificate. (Hay to von Holleben, February 21, 1900, Foreign Relations, 1900, p. 522.)

The correspondence shows that Mr. Mason, our consul-general at Berlin, twice brought the matter to the attention of the department, requesting that "Consular officers in Germany be authorized by the department to issue to applicants certificates in a prescribed form, to the effect that courts of the United States, the States, and Territories do not grant certificates of the form and purport required by the Imperial German Marriage Code of January 1, 1900, and that the affidavit of one or more reputable citizens, executed before a notary or qualified magistrate in the United States, would be there regarded as valid testimony." (Mr. Mason to the department, February 13, 1903, Consular Letters, Berlin, vol. 26.)

In response to this letter of Consul-General Mason the department, after having sent a circular of inquiry to the governors of the various States and Territories, informed him "that there is no person in any State authorized to issue the certificate."

The department made no comment on Mr. Mason's suggestion that our consular officers be permitted to certify that the United States courts and state courts did not grant the certificates which the German law requires, this silence on the part of the department being, of course, in accordance with its general position that consuls are not permitted to certify to the laws of the various States

By section 90 of the Consular Regulations of 1888, diplomatic and consular officers of the United States are declared incompetent to certify officially as to the status of United States citizens desiring to be married abroad, and this same provision is, in effect, contained in section 422 of the Consular Regulations of 1896.

It would seem, therefore, that strict compliance with the "certificate" requirement of the German marriage laws would be practically impossible for an American citizen.

It is stated by the Consular Bureau that inquiries as to these laws received by it are answered by simply sending copies of the appropriate sections of the German Civil Code.

Mr. Ingram, a consular clerk, now detailed to the department, who was recently located in the United States consulate at Berlin, says that Americans who apply to that consulate for advice as to their marriage in Germany are advised, because of the obstacles presented by the law, not to attempt to contract marriage in that country, but to journey to England for that purpose. He adds, however, that in some instances the law is evaded, with the sanction of the German local authorities, by the procurement from an attorney at law of the American State, where those desirous of marriage in Germany reside, of an opinion to the effect that the laws of that State interpose no obstacle to the marriage, such opinion being supplemented by a certificate of a German consular officer as to the professional standing and competency of the attorney.

In a letter of the department to the governor of New York, presumably one of the circular letters of April 20, 1900, the department said: "It is the department's intention, in any event, in order to be of such benefit to our citizens as may be practicable, in view of this requirement of the German code, to make an official representation to the German Government on the subject."

A search of the records of the department, however, does not show that any such representation as that here foreshadowed has ever been made.

File No. 6878/5.

Ambassador Tower to the Secretary of State.

No. 1240.] AMERICAN EMBASSY,
Berlin, September 23, 1907.

SIR: I have the honor to acknowledge the receipt of Mr. Bacon's dispatch No. 693, of the 7th of August, 1907, in which he inclosed to me a copy of a dispatch from the American consul at Tsingtau

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regarding the methods to be pursued in cases of marriages between Americans in Germany or on German territory.

The general question, which invariably presents itself in cases where American citizens temporarily residing in Germany wish to be married, is that in regard to the fulfillment of the provisions of the German law relating to the validity of a marriage contract. In order to safeguard the legality of a marriage in Germany, the statutes provide for certain forms of certificates, amongst which is, in addition to a certificate of birth and one of baptism—

a certificate which must be shown in the case of aliens wishing to marry here, setting forth that no impediment exists to such marriage under the laws of the country to which such aliens belong, and this certificate must be attested by a diplomatic or consular officer of the German Empire.

This certificate must be presented to the official (standesbeamter) authorized legally to perform the civil ceremony of marriage, which is required by law in Germany and is a condition precedent to the performance by the standesbeamter of such civil marriage; and no clergyman or minister of the gospel can perform the religious ceremony of marriage in Germany without having a certificate in due form issued by the standesbeamter, and setting forth that the civil contract has been entered into before him in due form of law.

As American citizens are unable to present the certificate required here, setting forth the fact that there is no impediment in their own country to their entering into a marriage contract, because, so far as is known, the laws of the United States and of the several States do not provide for the issuance by any magistrate of such a certificate, there is apparently no way at present by which the requirements of the German law can be met by American citizens. It has occurred, however, upon one or two occasions recently that the Prussian minister of the interior has used the authority which resides in him to grant a dispensation under which the standesbeamter is empowered to certify to the civil contract of marriage, without the obligation upon the part of the alien contracting parties to exhibit a certificate from a magistrate in their own country, setting forth that there is no impediment to their entering into a marriage; and in these particular cases American citizens have been legally married in Berlin. The minister of the interior has admitted this procedure, however, only upon representations which have been made to him personally by the contracting parties, which have been sufficient to satisfy his mind. It is an exceptional method and could not be adopted or relied upon as a rule of action in such cases hereafter.

In reply to Mr. Bacon's instructions to me, that—

the department will be glad if you will consider the questions involved and report as to the advisability of bringing the matter informally to the attention of the German Government, with a view to arriving at some satisfactory solution of the difficulties presented.

I beg leave to offer it as my opinion that an understanding might be reached upon this point with the Imperial German Government, provided it could be authoritatively shown by a communication from the honorable the Secretary of State that there is no law in the United States which authorizes any magistrate or other officer to issue a certificate setting forth that no impediments exist in any specific case to the entering into a marriage contract, and therefore as such a certificate is not required or provided for by American law, no author-

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ity exists for it and it is impossible for an American citizen to produce it. It is quite probable I think that the Imperial German Government would take such a statement into consideration and that ultimately, as a result of it, an agreement might be reached, under which American citizens might be enabled to enter into a marriage contract in Germany free from the obligation of certifying as to any impediments which may or may not exist at home.

I shall have the honor of carrying out in this respect any instructions as to approaching the German Government upon the subject which I may receive from you.

I have, etc., CHARLEMAGNE TOWER.

File No. 6878/5.

The Acting Secretary of State to Ambassador Tower.

No. 731.] DEPARTMENT OF STATE,
Washington, October 23, 1907.

SIR: I have to acknowledge the receipt of your No. 1240, of September 23 last, in reply to the department's No. 693, of August 7 last, regarding the methods to be pursued in cases of marriages between Americans in Germany or on German territory.

The department notes your suggestion that an understanding might be reached upon this point with the Imperial German Government, "provided it could be authoritatively shown by a communication from the honorable the Secretary of State that there is no law in the United States which authorized any magistrate or other officer to issue a certificate setting forth that no impediments exist in any specific case to the entering into a marriage contract, and therefore as such a certificate is not required or provided for by American law, no authority exists for it, and it is impossible for an American citizen to produce it."

While it might be possible for the department authoritatively to show that there is no law of the Federal Government authorizing any magistrate or other officer to issue the certificates required by the German law, and that such certificates are not required or provided for by any law of the Federal Government, it could not undertake to certify that there is no law in any one of the States of the Union authorizing the issuance or requiring the production of the certificates named. All the department could do in the latter case would be to address a circular letter to the governors of the various States and Territories and inquire whether the laws of their respective States and Territories provide for the issuance of certificates of competency as required by the German law, as was done on April 20, 1900 (see Moore's International Law Digest, Vol. II, p. 542). Should the replies received from all the States indicate that no such law existed, the department could then certify that no law providing for the issuance of the certificates existed in the several States up to the date of the letters of their respective governors.

In answer to an inquiry on the subject from the German embassy, Secretary Hay stated, February 21, 1900, that "so far as this department is advised, there is no provision made by the laws of the Federal Government or by any of the States and Territories thereof for the

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issuance by any magistrate of any certificate of the kind mentioned in your note." (Foreign Relations, 1900, p. 522.)

In view of the fact that strict compliance with the "certificate" requirement of the German marriage laws seems to be practically impossible for an American citizen, it might be well for you to bring informally to the attention of the Imperial German Government the difficulties arising in the way of American citizens, temporarily residing in Germany, in meeting the requirements of the present German law in regard to the certificates named, to the end that an expression of the views of that Government may be obtained, and if practicable an arrangement made which will afford a satisfactory solution of the difficulties now existing.

I am, etc., ROBERT BACON.

MILITARY SERVICE CASE OF GEORGE AHL.

File No. 6685/-2.

The Secretary of State to Ambassador Tower.

No. 649.] DEPARTMENT OF STATE,
Washington, May 28, 1907.

SIR: I inclose a copy of a letter[a] from Senator Knox covering one from Mr. Edwin W. Smith, of Pittsburg, Pa., concerning the military case of Mr. George Ahl, an American citizen. It appears that Mr. Ahl has been studying music in Berlin since 1905, but that he has been notified by the authorities that he must leave Germany before the 1st of July next.

In view of the hardship that would seem to be involved in the enforced discontinuance of this young man's musical education, you will endeavor to have Mr. Ahl's stay permitted long enough to complete his musical studies.

I am, etc., E. ROOT.

File No. 6685/3.

Ambassador Tower to the Secretary of State.

No. 1214.] AMERICAN EMBASSY,
Berlin, August 8, 1907.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 649, of the 28th of May, 1907 (file No. 6685), in regard to the military case of one George Ahl, an American citizen who has been studying music in Berlin since 1905, but has been notified by the authorities that he must leave Germany.

The said Mr. Ahl applied at this embassy during the year 1905 for permission to extend his residence in Berlin after he had already been notified that he must leave Prussia, and at his request I addressed a note to the imperial German ministry for foreign affairs on the 27th of December, 1905, in which I asked that his wish for an extension of his permit to reside in Germany might be granted. In compliance with my note an extension was accordingly given to

[a] Not printed.

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Mr. Ahl by the German authorities, and he was notified that he would be allowed to remain in Berlin until July 1, 1907.

Upon receipt of your dispatch of the 28th of May last I made an inquiry at the imperial ministry for foreign affairs in behalf of Mr. Ahl, as to whether a further extension could be granted to him in order that he might continue his musical studies in Berlin, but I was informed by the ministry for foreign affairs that it is not desirable that Mr. Ahl shall remain longer in Germany than the period already fixed for his departure, and that consequently the subject of extending his permit to remain here could not properly be reconsidered.

I have, etc., CHARLEMAGNE TOWER.

DIPLOMATIC IMMUNITIES OF AN AMBASSADOR'S HOUSEHOLD.

File No. 10892.

Ambassador Tower to the Secretary of State.

No. 1273.] AMERICAN EMBASSY,
Berlin, December 20, 1907.

SIR: I have the honor to bring to your attention a case which has recently occurred at my house in Berlin, and which brings into question the subject of diplomatic privileges in regard to immunity from arrest of servants in an ambassador's household.

The facts appear to be as follows:

Upon a certain occasion early last spring there appeared at my house, in Berlin, at No. 4 Königs Platz, a person who represented himself to be, and who I understand is, a collector of municipal taxes. He was met at the front door of my house by my porter, Herrmann Tolk, of whom he asked certain questions relating to persons liable to taxation in my house. The said Tolk informed him that this is the residence of the United States ambassador, and that consequently there are no local taxes to be collected. The porter and the tax collector having in the meantime engaged in a somewhat uncivil conversation with each other of no importance, one of the members of my family came out at the front door toward the street to leave the house, whereupon the porter, seeing him, said to the tax collector: "Stand aside and let this gentleman pass," to which the other replied: "I am not obliged to stand aside for anybody; I am an officer of the law," and the porter then said to him: "If you do not know enough to understand that no taxes are levied in an embassy you had better leave the place." The tax collector went to a magistrate and brought an action against Tolk upon the ground of personal insult and of having obstructed a public officer in the fulfillment of his duty. So much for the facts in so far as they have been reported to me.

A writ of summons issued out of the court against Tolk to appear to answer this charge, and a note was addressed last May by the imperial German ministry for foreign affairs, a copy and translation into English of which are respectfully herewith inclosed, to Mr.

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Eddy, then in charge of the embassy during my temporary absence, in which the request was made that the permission of the embassy should be granted to the service of this summons within the limits of the ambassador's house. Upon the receipt of this request, and considering the trifling cause which had called for the intervention of the minister of justice and the minister for foreign affairs, involving a certain question of international law, I went to see Herr von Tschirschky und Bögendorff, who was at that time imperial secretary of state for foreign affairs, and asked him whether the action could not be withdrawn by the complainant in order that we might be relieved from giving it any further importance; and after a rather full discussion, in which he met my views in an exceedingly friendly manner, we both agreed that the porter, Tolk, should go and see the complainant, Heymann, and explain to him as well as he could that he had not intended any personal affront to him in the conversation which he had had with him at my front door. The subject was then dismissed from the mind both of the secretary of state and of myself until to-day, when I have received a note from the ministry for foreign affairs saying that, to the great regret of the secretary of state, a subject which we both believed to have been disposed of long ago has presented itself again, and, that whilst the porter, Tolk, did go to see the complainant, his apology seems to have led to further disagreement between the two men and to have inflamed the hostile intentions of the tax collector to a further demand for justice. The case is, therefore, still upon the calendar of the court, and the magistrate wishes to have the summons served upon the porter, Tolk. The secretary of state for foreign affairs requests me therefore to give an answer to the note of last May, in which permission is asked for to serve the summons within the limits of my house.

I am aware that in so far as immunity from arrest is concerned the Department of State recognizes that the personal immunity of a diplomatic agent extends to his household and to his servants, though there is some question as to such immunity in cases where such servants are subjects of the country of his sojourn, especially in the matter of military service. But I recall the fact that Mr. Secretary Fish declared in his dispatch of July 18, 1874, to Mr. Jay, that the true test of privilege from suit of a diplomatic representative—

> is whether the exercise of the municipal authority in question is an unreasonable interference with the freedom with which the functions of the diplomatic representatives must be performed.

And in his note to Mr. Jay of the 29th of November, 1874, he declared also that—

> the tendency of opinion in regard to immunity of diplomatic agents is believed to be strongly toward restricting them to whatever may be indispensible to enable the agents to discharge their duties with convenience and safety, but that diplomatic immunity is not intended to allow anyone who enjoys it to indulge with impunity in personal controversy or to escape liabilities to which he otherwise might be subjected.

The Porter Tolk is a German subject, a resident of Berlin, who has been in my service for the last five years, and is a man of entirely good character. The controversy which he has fallen into is one which is purely personal, but one which unquestionably brings the

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ordinary German subject under the ordinary German law. It appears to me, therefore, that the issue of the summons against him is perfectly legal under the law of the land, and that the summons would have to be accepted by him without question if he were not in the employ of a foreign diplomatic representative; and, on the other hand, there can be no question in my opinion that the attitude of the Prussian Government in this matter is entirely correct, for it has recognized the existence of the right which foreign ambassadors have for themselves and for the members of their household to claim immunity from arrest, but having recognized this principle of international law it asks my permission to allow the service of this summons to be made. My judgment is that I should be acting only in accordance with the decisions heretofore made by the Department of State and by our own interpretation of international law if I allow the service of the summons to take place in my house, in compliance with the request made of me by the Prussian Government, and I have the honor to inquire whether in so doing I shall be acting with your approval and whether I have your authority to allow such service to take place.

I have approached this question with more care, perhaps, than it might seem at first to call for, but I would not willingly take any step which might commit the United States Government in regard even to a small question in international law until I feel sure that my action is confirmed by you.

I have, etc., CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Eddy.

FOREIGN OFFICE,
Berlin, May 23, 1907.

The undersigned has the honor to inform Mr. Spencer Eddy, chargé d'affaires of the United States of America, that a summons has been issued in a suit for personal insult brought by one G. Heymann against a certain Tolk, described as a porter in the service of the ambassador of the United States of America, at the residence of the ambassador No. 4 Königs Platz.

The royal Prussian minister of justice has transmitted to the minister for foreign affairs a request from the royal district court of the central district of Berlin that permission be obtained from the embassy of the United States to make service of the said summons upon the said Tolk in the ambassador's residence at Königs Platz 4.

The undersigned has the honor to bring this request of the minister of justice to the attention of the chargé d'affaires and asks that he may be favored with a reply.

The undersigned avails himself, etc.

MÜHLBERG.

File No. 10892.

The Secretary of State to Chargé Garrett.

No. 842.] DEPARTMENT OF STATE,
Washington, June 10, 1908.

SIR: I have to acknowledge the receipt, in due course, of Mr. Tower's No. 1273, of December 20, 1907, wherein were reported the cir-

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cumstances attending an altercation between a German tax collector and the porter of the ambassador's house, a German subject, in consequence of which the ambassador was asked to permit summons to be served on the porter at the house. Mr. Tower discussed the merits of the case and inquired whether he might properly comply with the request.

In reply I have to say that, if the porter is still in the service of the embassy, the question of his personal immunity may be waived, but that the service should be personal and outside of the embassy precincts.

I am, etc., E. ROOT.

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GREAT BRITAIN.

NEWFOUNDLAND FISHERY QUESTION.

[Continuation of correspondence in Foreign Relations, 1906, pp. 661–784.]

File No. 573/178–187.

Ambassador Reid to the Secretary of State.

[Extract.]

No. 443.] AMERICAN EMBASSY,
London, September 10, 1907.

SIR: Referring to your cabled instructions of August 23, August 29, and August 30, I beg now to inclose [a] copies of a note from myself to Sir Edward Grey on September 4 and of his reply on September 6, the exchange of which constitutes by agreement the ratification of a modus vivendi for the present fishing season on the treaty coast of Newfoundland, as set forth in my note of September 4. Appended thereto are copies of the same documents as transmitted to you by cable on September 7.

I have, etc., WHITELAW REID.

MODUS VIVENDI BETWEEN THE UNITED STATES AND GREAT BRITAIN IN REGARD TO INSHORE FISHERIES ON THE TREATY COAST OF NEWFOUNDLAND—AGREEMENT EFFECTED BY EXCHANGE OF NOTES AT LONDON SEPTEMBER 4–6, 1907.

The American Ambassador to the British Foreign Office.

AMERICAN EMBASSY,
London, September 4, 1907.

SIR: I am authorized by my Government to ratify a modus vivendi in regard to the Newfoundland fishery question, as follows:

It is agreed that the fisheries shall be carried on during the present year substantially as they were actually carried on for the most of the time by mutual agreement, under the modus vivendi of 1906.

(1) It is understood that His Majesty's Government will not bring into force the Newfoundland foreign fishing vessels act of 1906, which imposes on American fishing vessels certain restrictions in addition to those imposed by the act of 1905, and also that the provisions of the first part of section 1 of the act of 1905, as to boarding and bringing into port, and also the whole of section 3 of the same act, will not be regarded as applying to American fishing vessels.

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[a] Ante.

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(2) In consideration of the fact that the shipment of Newfoundlanders by American fishermen outside the 3-mile limit is not to be made the basis of interference or to be penalized, my Government waives the use of purse seines by American fishermen during the term governed by this agreement, and also waives the right to fish on Sundays.

(3) It is understood that American fishing vessels will make their shipment of Newfoundlanders, as fishermen, sufficiently far from the exact 3-mile limit to avoid reasonable doubt.

(4) It is further understood that American fishermen will pay light dues when not deprived of their rights to fish, and will comply with the provisions of the colonial customs law as to reporting at a custom-house when physically possible to do so.

I need not add that my Government is most anxious that the provisions of this modus vivendi should be made effective at the earliest possible moment, and that in view of this and of the actual presence of our fishing fleet on the treaty shore we do not feel that an exchange of ratifications should be longer delayed. But my Government has every desire to make the arrangement, pending arbitration, as agreeable as possible to the Newfoundland authorities, consistent with the due safeguarding of treaty rights which we have enjoyed for nearly a century. If, therefore, the proposals you have recently shown me from the premier of Newfoundland or any other changes in the above modus vivendi should be proposed by mutual agreement between the Newfoundland authorities and our fishermen, having due regard to the losses that might be incurred by a change of plans so long after preparations for the season's fishing had been made and the voyage begun, my Government will be ready to consider such changes with you in the most friendly spirit, and if found not to compromise our rights, to unite with you in ratifying them at once.

I am glad to be assured by you that this note will be considered as sufficient ratification of the modus vivendi on the part of my Government.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

WHITELAW REID.

The Right Honorable Sir Edward Grey, Baronet.

The British Foreign Office to the American Ambassador.

FOREIGN OFFICE, *September 6, 1907.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 4th instant, containing the terms of the modus vivendi with regard to the Newfoundland fisheries—which you are authorized by your Government to ratify.

I am glad to assure your excellency that His Majesty's Government agrees to the terms of the modus vivendi and that your excellency's note will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of His Majesty's Government.

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His Majesty's Government fully shares the desire of your Government that the provisions of the modus vivendi should be made effective at the earliest possible moment, and the necessary steps will be taken by His Majesty's Government to secure its observance.

His Majesty's Government takes note of the conciliatory offer of the United States Government to consider in a most friendly spirit any changes in the modus vivendi which may be agreed upon locally between the Newfoundland authorities and the United States fishermen and which may be acceptable both to the United States Government and to His Majesty's Government.

I have the honor to be, with the highest consideration, your excellency's most obedient humble servant,

E. GREY.

His excellency the honorable Whitelaw Reid.

FISHERY RIGHTS IN THE MAGDALENA ISLANDS—CASE OF THE ALERT.

File No. 573/114.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, May 25, 1907.

EXCELLENCY: Mr. Alexander, the assistant in charge of a division of the United States Bureau of Fisheries, and who was on the Newfoundland treaty coast during the last fishing season, has just handed me the following telegram from the master of an American fishing vessel off the Magdalen Islands:

Commander Wakeham, of Canadian fisheries service, refused to allow American schooner *Alert* to fish in Magdalen Islands waters under register; also refuses to allow us to use traps or purse seine, whether under register or fishing license. Will seize if we set inside 3-mile limit. Please reply immediately. Grindstone, Magdalen Islands.

You will recall that the shores of the Magdalen Islands are included in the fishing grounds which by the treaty of 1818 are declared open to the inhabitants of the United States. The refusal to permit fishing to be conducted from a registered vessel is the same thing which was done by the subordinate officers on the treaty coast of Newfoundland in October, 1905, and was promptly disavowed both by the Government of Great Britain and that of Newfoundland.

I do not understand that the British Government contends that when an American comes upon the treaty coast with an American vessel he can be precluded from fishing because he has an American register rather than an American fishing license. If I am not mistaken in this, I should be glad to have the officers in authority at the Magdalen Islands advised accordingly.

As to the refusal to permit the American fishermen to set traps or use purse seines, I have to reaffirm the position taken in my note of June 30, 1906, that such an attempt by the colonial government to impose conditions and limitations upon the exercise of the American right without the consent of the Government of the United States is contrary to the treaty. The communication to which I refer, containing a discussion of this subject, will be found in the British Blue

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Book respecting the Newfoundland fisheries, issued in December, 1906, at pages 10 to 15.

The fullness with which the American view on this subject is set forth in that communication makes it unnecessary for me to trouble you by any further presentation of the matter at this time, and I ask your kind consideration of the subject, and that such steps may be taken as to produce a cessation of the interference with the exercise of American fishing rights under the treaty.

I beg you to believe, my dear Mr. Bryce, that I am fully appreciative of the difficulties and embarrassments in which this subject is involved and that I do not wish to be over urgent or insistent. This case arises, however, as such cases generally do, in the form of a subordinate colonial official peremptorily deciding the question of treaty rights for himself and imposing his decision upon the American fishermen by threat of seizure. The fisherman with his vessel on the fishing ground must proceed to fish or be ruined, and the only thing which can save him is to have some affirmative action and to have it taken promptly.

I have, etc., ELIHU ROOT.

File No. 573/115.

The British Ambassador to the Secretary of State.

No. 121.] BRITISH EMBASSY,
Washington, May 25, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of to-day, and I have sent by telegraph to the acting governor general of Canada the telegram which it incloses and the substance of your letter.

I have also written to him on the subject, inclosing the necessary parts of your letter and asking him to cause the facts to be inquired into, and to inform me by telegraph of the course which he may take.

I need not assure you of the regret with which I hear of any incidents that can give rise to controversy between the Canadian authorities and the United States fishermen, nor how fully I appreciate your wish to prevent such incidents from becoming the cause of friction. Knowing that the governor general and Sir Wilfred Laurier entertain like feelings, and believing that these will animate those statesmen also who are for the moment in charge of affairs in Canada, I can not but hope that this matter may be soon adjusted and that arrangements may be reached calculated to prevent the recurrence of similar difficulties.

I have, etc. JAMES BRYCE.

File No. 573/125.

The British Ambassador to the Secretary of State.

No. 123.] BRITISH EMBASSY,
Washington, May 30, 1907.

SIR: With reference to your note of May 25 and to my reply No. 121 of the following day on the subject of the treatment at the Magdalen Islands of the United States vessel *Alert*, I have the

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honor to inform you that I have this morning received a telegram from the acting governor of Canada stating that the matter is being inquired into. I shall not fail to apprise you of the results of these inquiries as soon as they are communicated to me.

I have, etc., JAMES BRYCE.

File No. 573/137.

The British Ambassador to the Secretary of State.

No. 152.] BRITISH EMBASSY,
Intervale, N. H., July 3, 1907.

SIR: In my note No. 123, of the 30th of May last, I had the honor to inform you that the government of Canada were instituting inquiries as regards the case of the United States schooner *Alert*, which, as stated in your letter of the 25th of May, had been refused permission to fish with a purse seine net off the Magdalen Islands.

I have now received a dispatch from the Dominion government on the subject.

This dispatch states that according to the report received from Commander Wakeham, of the Dominion cruiser *Princess*, Captain Malloch, of the United States schooner *Alert*, came on board the *Princess* at Magdalen Islands on the the 24th of May last and asked to be allowed to fish a trap net for herring. Commander Wakeham said he could not give this permission, and fully explained the conditions under which alone trap-net licenses were issued by the Canadian government.

Captain Malloch then asked if he could fish a purse seine. Commander Wakeham replied that the use of purse seines was prohibited by Canadian statutes, and that Captain Malloch could not be allowed to do that which Canadian fishermen were prohibited from doing.

Commander Wakeham asked Captain Malloch if he came as a merchantman on a trading voyage or as a fisherman. Captain Malloch replied that he was both, and that he had not the license usually carried by United States fishermen.

He had brought passengers, together with a fishing outfit, including a powerful gasoline launch, which goods, without having been declared at the customs, were landed from the *Alert* as belonging to one Edmund Keating, and were held by the collector of customs for payment of duty.

Keating is a Canadian, and has been residing at Grosse Isle, Magdalen Islands, and has fished a herring trap at Grand Entry for some years; this trap is now in the water and being fished.

Without permission from anyone, Keating, who had come with the *Alert*, placed in the water off Seal Island one of the trap nets brought on the *Alert* and began fishing, claiming that he was so fishing for, or in partnership with, one Henry Best, of Grand Entry, who has a license to fish a herring trap at Grand Entry, but who has given up trap fishing and left Grand Entry, removing to Byron Island. The net Keating attempted to fish as on Best's behalf was not placed where Best had formerly fished, and permission was never given to Best to move or to transfer his license.

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Commander Wakeham ordered the seizure of this net of Keating's by the fishery overseer. Keating proposed to fish another trap net he had brought on the *Alert* in a station at Grosse Isle licensed to one Esdras Rankin. Commander Wakeham instructed the fishery overseer not to allow Keating to fish Rankin's berth without permission from the Canadian government.

It would appear to have been only after Keating's failure to fish his trap net under licenses issued to other persons that the captain of the *Alert* claimed to have the right as a citizen of the United States to fish for himself by means of these nets or by any other means he might choose to adopt.

The Canadian statute forbidding the use of trap nets for deep-sea fishing except under special license is of general application throughout all Canada, and it has been in force continuously since 1868.

So far as is known to the Canadian government trap nets have never been used by United States fishermen on those shores of Canada where they have the right to fish in common with British subjects, except in the instance of the United States fishing vessel *Rend*, which in 1905 set a trap net at Romaine without previous license, whereupon the fishery overseer for the district requested the removal of the net; but afterwards accepted a fee for the net, based on the length of the leader used, and gave a receipt for the money paid, though no formal license was ever issued.

The Canadian regulations governing the use of trap nets (inter alia) define the distances apart at which such nets shall be placed and require the leader to extend in every case from the shore. The size of the meshes in net and leader is also prescribed. As respects these nets it is obvious from the very nature of the case that they must be set at certain distances from each other, and under regulations.

The Canadian statute forbidding the use of purse seines is of general application throughout all Canada, and has been in force since 1891.

So far as is known to the Canadian government, purse seines have never been used within Canada by United States fishermen since the passing of this statute.

Both provisions of the law are considered essential for the protection and preservation of the fishing industry. All of the regulations above referred to have been consistently enforced against Canadian fishermen ever since their enactment.

The circumstance that the *Alert* was sailing under register and not under fishing license would not appear in this instance to have been treated as possessing any significance. In her character of trading vessel the *Alert* would have no right to fish, but she has been treated as if she were a fishing vessel and as if she came to Canada under United States fishing license. In fact, she has enjoyed greater privileges than a mere fishing vessel would have been entitled to, as she has without objection landed passengers and goods at a Canadian port, while a fishing vessel (unless licensed under the modus vivendi) would have no right to enter Canadian bays or harbors except, under the treaty of 1818, for wood, water, shelter, or repairs.

I have, etc.,

JAMES BRYCE.

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File No. 573/146.

The British Ambassador to the Secretary of State.

No. 180.] BRITISH EMBASSY,
Intervale, N. H., July 24, 1907.

SIR: In a note No. 152, of the 3d instant, I had the honor to inform the United States Government of the result of the inquiries by the Dominion government into the case of the American schooner *Alert*. In that note the circumstances of the case and the conditions governing trap-net fishing in the waters in question were fully explained and it was shown that the action of the Canadian officers was based on principles long ago adopted in the interests of the preservation of the fisheries.

I am, further, now instructed to inform the United States Government that, as an evidence of the spirit in which the Dominion government regards these questions and have approached this case, and in order to prevent the possibility of friction in further cases of a similar character, the Canadian government have instructed their officers not to interfere with any trap set by an American fisherman in waters where a license for such a trap would not be refused to a British subject, even though no special license, as required by Canadian law, has been taken out; but only to report such cases for the consideration of the department of fisheries.

I am, however, to express the hope of the Dominion government that the United States Government will direct their fishermen to apply for licenses for trap nets, informing them that these will be issued by the Dominion government under the same conditions as to British fishermen. The advantages accruing to all interested in the fisheries from such a regulation of title to and use of trap nets will, I trust, recommend this proposal to the acceptance of the United States Government.

I have, etc., JAMES BRYCE.

File No. 573/146.

The Acting Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, August 8, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 24th ultimo, in which, with reference to the seizure of the *Alert*, you advise this department that the Canadian Government has instructed its officers not to interfere with any trap set by an American fisherman in waters where a license for such a trap would not be refused to a British subject, even though no special license, as required by Canadian law, has been taken out; but only to report such cases for the consideration of the department of fisheries.

In reply I beg to say that this Government highly appreciates the good disposition shown in treating this matter.

I have, etc., ROBERT BACON.

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AGREEMENT BETWEEN GREAT BRITAIN AND SPAIN FOR THE PRESERVATION OF THEIR TERRITORIAL STATUS QUO IN THE MEDITERRANEAN AND ON THE ATLANTIC COASTS OF EUROPE AND AFRICA.

File No. 7101/1–3.

Ambassador Reid to the Secretary of State.

[Extracts.]

No. 387.] AMERICAN EMBASSY,
London, June 18, 1907.

SIR: I beg to inclose copies of the notes exchanged between the British secretary of state for foreign affairs and the Spanish ambassador in London.

I have, etc., WHITELAW REID.

[Inclosure.]

The Minister for Foreign Affairs to the Spanish Ambassador.

FOREIGN OFFICE,
London, May 16, 1907.

YOUR EXCELLENCY: Animated by the desire to contribute in every possible way to the maintenance of peace, and convinced that the preservation of the territorial status quo and of the rights of Great Britain and Spain in the Mediterranean and in that part of the Atlantic Ocean which washes the shores of Europe and Africa must materially serve this end, and is, moreover, to the mutual advantage of the two nations bound to each other by the closest ties of ancient friendship and of community of interests;

The Government of His Britannic Majesty desire to lay before that of His Catholic Majesty the following declaration of policy, in the confident hope that it will not only still further strengthen the good understanding so happily existing between them, but will also promote the cause of peace.

The general policy of the Government of His Britannic Majesty in the regions above defined is directed to the maintenance of the territorial status quo, and in pursuance of this policy they are firmly resolved to preserve intact the rights of the British Crown over its insular and maritime possessions in those regions.

Should circumstances arise which, in the opinion of the Government of His Britannic Majesty, would alter, or tend to alter, the existing territorial status quo in the said regions, they will communicate with the Government of His Catholic Majesty, in order to afford them the opportunity to concert, if desired, by mutual agreement the course of action which the two powers shall adopt in common.[a]

I have, etc., E. GREY.

NOTE.—Similar convention concluded at Paris by S. Pichon, French minister for foreign affairs, and F. de León y Castillo, the Spanish ambassador, May 16, 1907.

MARRIAGE OF BRITISH SUBJECTS WITH FOREIGNERS.

File No. 9143/2.

The British Ambassador to the Acting Secretary of State.

No. 222.] BRITISH EMBASSY,
Intervale, N. H., October 10, 1907.

SIR: In order the better to regulate and insure the validity of marriages of British subjects with foreigners, an act of Parliament,

[a] Same, mutatis mutandis, Mr. D. Wenceslao R. de Villaurrutia, the Spanish ambassador to Great Britain, to Sir Edward Grey, May 16, 1907.

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cited as "The marriage with foreigners act, 1906," has been passed enabling His Majesty's Government to conclude agreements with foreign countries by which persons subject to the marriage laws of those countries who propose to marry British subjects in the United Kingdom shall produce a certificate, issued by the proper officers of their country, stating that after proper notice has been given no impediment, according to the laws of that country, exists to the marriage.

A copy of this act is inclosed herewith.

An agreement was concluded with the French Government in 1904 in regard to the form of the certificate which French consuls should issue in cases of marriages in the United Kingdom between British subjects and French citizens.

I have the honor to transmit a copy of the form then adopted and in accordance with instructions received from His Majesty's principal secretary of state for foreign affairs to inquire whether the United States Government are willing to conclude an agreement with His Majesty's Government similar to that concluded with the French Government, fulfilling the requirements of article 2 of the act.

Sir Edward Grey also desires me to call your attention to article 1, by which a British subject who desires to be married in a foreign country to a foreigner according to the lex loci may obtain a similar certificate issued by a proper British officer, and to article 5 in regard to the application of this act to Scotland.

In due course instructions will be issued to the registrars in the United Kingdom and to the proper marriage officers abroad in regard to the certificate contemplated in article 1 (I) of the act.

The form of the certificate is under the consideration of the home office.

I have, etc., JAMES BRYCE.

[Inclosure.]

CHAPTER 40.—An act to amend the law with respect to marriages between British subjects and foreigners. (29th November, 1906.)

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords, spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) Any British subject who desires to be married in a foreign country and to a foreigner according to the law of that country may, if it is desired for the purpose of complying with the requirement of the law of that country, to obtain the certificate hereinafter mentioned, give notice of the marriage, if resident in the United Kingdom, to the registrar, and if resident abroad, to the marriage officer, and apply to the registrar or officer for a certificate that after proper notices have been given no legal impediment to the marriage has been shown to the registrar or officer to exist, and the registrar or officer shall, after the conditions set out in the schedule to this act have been complied with, give the certificate applied for, unless the certificate is forbidden or a caveat is in operation as provided in that schedule, or some legal impediment to the marriage is shown to the registrar or officer to exist.

(2) If a person: (*a*) Knowingly and willfully makes a false oath or signs a false notice of marriage for the purpose of a certificate under this section; or (*b*) forbids the granting of a certificate under this section by falsely representing himself to be a person who is authorized to forbid the certificate, knowing that representation to be false, that person shall be guilty of perjury, and if the offense is committed abroad may be tried in any county or place in the United Kingdom in which the offender may be, and dealt with in the same manner in all respects as if the offense had been committed in that county or place.

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(3) If any person enters a caveat on grounds which the registrar or officer or, in case of appeal, the registrar-general declares to be frivolous, that person shall be liable to pay as a debt to the applicant for the certificate such sum as the registrar or officer or, in the case of appeal, the registrar-general considers to be proper compensation for the damage caused to the applicant by the entering of the caveat.

(4) Such fees may be charged in respect of any notice of an intended marriage or any application for or grant of a certificate, or the entering of a caveat under this section as may be fixed, as respects certificates to be granted by or caveats entered with registrars, by the registrar-general, with the consent of His Majesty in council, and, as respects certificates to be granted by or caveats entered with a marriage officer, as may be fixed by order under the consular salaries and fees act, 1891.

2. (1) Where arrangements have been made to the satisfaction of His Majesty with any foreign country for the issue by the proper officers of that country, in the case of persons subject to the marriage law of that country proposing to marry British subjects in the United Kingdom, of certificates that after proper notices have been given no impediment according to the law of that country has been shown to exist to the marriage, His Majesty may, by order in council, make regulations: (*a*) Requiring any person, subject to the marriage law of that foreign country, who is to be married to a British subject in the United Kingdom, to give notice of the fact that he is subject to the marriage law of that country to the person by or in the presence of whom the marriage is to be solemnized; and (*b*) forbidding any person to whom such a notice is given to solemnize the marriage or to allow it to be solemnized until such a certificate as aforesaid is produced to him.

(2) If any person knowingly acts in contravention of, or fails to comply with, any such regulation, he shall be guilty of a misdemeanor and shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding one year.

(3) Nothing in this section shall be taken to relate or have any reference to any marriages between two persons professing the Jewish religion, solemnized according to the usages of the Jews in the presence of the secretary of a synagogue authorized by either the births and deaths registration act, 1836, or the marriages (Ireland) act, 1844, or by the marriage and registration act, 1856, to register such marriage, or of a deputy appointed by such secretary by writing under his hand, and approved by the president for the time of the London committee of deputies of the British Jews by writing under his hand.

3. His Majesty may by order in council make general regulations prescribing the forms to be used under this act and making such other provisions as seem necessary or expedient for the purposes of this act, and may by order in council revoke, alter, or add to any order in council made under this act.

4. In this act, unless the context otherwise requires: The expressions "registrar-general" and "registrar" mean, respectively, the registrar-general within the meaning of the births and deaths registration act, 1836, and a superintendent registrar of marriages within the meaning of the marriage act, 1836; and the expression "marriage officer" means a marriage officer for the time being under the foreign marriage act, 1892, and includes any person for the time being empowered to register a marriage under section eighteen of that act.

5. In the application of this act to Scotland:

(1) References to the forbidding of a certificate shall not apply.

(2) A reference to a caveat shall be construed as a reference to an objection, and the provisions respecting the entry of a caveat on frivolous grounds shall not apply.

(3) The expressions "registrar-general" and "registrar" mean, respectively, the registrar-general of births, deaths, and marriages in Scotland, and the registrar of births, deaths, and marriages for a parish or district under the registration of births, deaths, and marriages (Scotland) act, 1854, and the acts amending that act.

(4) Paragraph (*a*) of subsection one of section two shall be read as if the following words were inserted after the word "solemnized," namely, "or to any registrar, law agent, or other person whom he desires to draw up any declaration of irregular marriage between him and a British subject;" and paragraph (*b*) of the same subsection shall be read as if the following words were inserted after the word "solemnized," namely, "or to aid in effecting the said irregular marriage."

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(5) The duly appointed minister of a synagogue shall be substituted in subsection (3) of section two for the secretary of the synagogue or deputy as described in that subsection.

6. In the application of this act to Ireland, the expressions "registrar-general" and "registrar" mean, respectively, the registrar-general and registrar within the meaning of the marriages (Ireland) act, 1844.

7. This act may be cited as the mariage with foreigners act, 1906.

The Secretary of State to the British Ambassador.

No. 180.] DEPARTMENT OF STATE,
Washington, October 29, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note No. 222, of the 10th instant, inclosing a copy of an act of Parliament cited as "The Marriage with Foreigners Act, 1906," which enables His Majesty's Government to conclude agreements with foreign countries by which persons subject to the marriage laws of those countries who propose to marry British subjects in the United Kingdom shall produce a certificate, issued by the proper officers of their country, stating that after proper notice has been given no impediment according to the laws of that country exists to the marriage.

You refer to an agreement concluded with the French Government in 1904 in regard to the form of the certificate which French consuls should issue in cases of marriages in the United Kingdom between British subjects and French citizens, and, transmitting a copy of the form then adopted, you inquire, in accordance with instructions received from His Majesty's principal secretary of state for foreign affairs, whether the Government of the United States is willing to conclude an agreement with the Government of Great Britain similar to that concluded with the French Government fulfilling the requirements of article 2 of the act mentioned.

In reply I have the honor to state that the department has given the matter due consideration. So far as it is aware, however, there is no law of the Federal Government or of any of the States or Territories thereof providing for the issuance by any officer of any certificate stating that after proper notice has been given no impediment exists, according to the laws of the United States, to a specified marriage.

In view of this, I regret to say that it would seem to be practically impossible at this time for this Government to undertake to enter into an agreement of the kind contemplated by your note.

I have, etc.,

ELIHU ROOT.

File No. 9143/2.

The Secretary of State to Ambassador Reid.

No. 550.] DEPARTMENT OF STATE,
Washington, November 5, 1907.

SIRS: I inclose for your information copy of a correspondence between the British ambassador and this department[a] concerning the

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[a] Supra.

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desire of the British Government to conclude an agreement by which American citizens who propose to marry British subjects might be furnished with certificates showing that no impediment according to American laws exists to the marriage.

I am, etc., E. ROOT.

ARRANGEMENT BY AN EXCHANGE OF NOTES CONCERNING THE ADMINISTRATION AND LEASE OF CERTAIN SMALL ISLANDS ON THE NORTH BORNEAN COAST BY THE BRITISH NORTH BORNEO COMPANY.

File No. 2160.

The Secretary of State to the British Ambassador.

No. 146.] DEPARTMENT OF STATE,
Washington, December 10, 1904.

EXCELLENCY: Referring to your inquiry, in the course of our conversation of yesterday morning, touching the question of the status of certain islands near the coast of British North Borneo, I take pleasure in fulfilling my promise to examine the matter and advise you further.

Since the receipt of Mr. Raike's note of September 7, 1903, I am advised that no steps have been taken toward making good the title of the United States to those islands, neither has any report been made by the American naval or military authorities in the Philippines which would throw additional light on the merits of that title.

Under the convention of November 7, 1900, supplementary to the treaty of peace between the United States and Spain, the latter relinquished in favor of the United States all title and claim of title to all islands belonging to the Philippine Archipelago not specifically included in the metes and bounds described in the treaty of peace and particularly to the islands of Cagayan Sulu and Sibutu, both of which lie outside the mentioned boundaries.

The title of Spain to the Sulu Archipelago, of which Cagayan and Subutu formed part, rests on historical facts and repeated act of submission of the Sulu chiefs to the Crown of Spain, and the territorial limits of Spanish jurisdiction in that quarter are stated in general terms in the protocols signed between Great Britain, Germany, and Spain in 1877, 1885, and 1897, from which it appears that Spain relinquished in favor of Great Britain all claim of sovereignty over the territories of the mainland of Borneo which then belonged or had belonged in the past to the Sultan of Sulu, including therein the neighboring islands of Balambangan, Banguey, and Malawali, "as well as all those islands lying within a zone of 3 marine leagues along the coast, and which form part of the territories administered by the company styled British North Borneo Company," while as to the rest of the islands pertaining to her under the Suluan capitulations and submissions Spain reserved and was admitted to have sovereignty whether they were effectively occupied by Spain or not.

I am not aware that at any time between the conclusion of the protocols of 1877, 1885, and 1897, and the conveyance by Spain to the United States in 1900, of all title and claim of title in that quarter, any effective tracing of the 3-league water boundary along the North

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Bornean coasts was made or attempted by Great Britain and Spain. Both countries appear to have rested content with the treaty definition and with the Spanish reservation of sovereignty outside of the line so defined. It is one of the common cases where a conventional description of a boundary line has not been carried into effect by a physical demarcation, and where the coterminus sovereignties may at any time give effect thereto by actually laying down the line as a proper proceeding under their existing treaty rights.

The geographical features of the Bornean coast and the adjacent islands are, however, such as would seem to preclude an exact definition of the treaty line between its land and water territories and those of the Sulu groups, without positive knowledge upon which the two Governments could base an intelligent agreement. A line traced 3 marine leagues seaward from the windings of an irregular coast is necessarily somewhat arbitrary and, all other things being equal, considerations of mutual convenience may be taken into account, as for instance, when an island other than those enumerated in the existing protocols should be cut in two by the 3-league line. Again, the protocols are silent as to the points of the North Bornean coast where the 3-league line begins and ends. As to these matters I see no reason why they should interfere with the settlement of the whole question by a mutually satisfactory agreement.

As a step toward that desirable end the Government of the United States would be willing to come to an understanding with His Majesty's Government whereby a joint examination of the North Bornean neighborhood shall be made by two experts, one on behalf of each Government, under instructions to agree if possible upon a tentative line which shall conveniently and fairly represent the intention of the parties to the protocol of 1885, making report thereof to their respective Governments with statement of any points upon which they may not be able to agree. Upon receipt of these reports, the two Governments will be in a position to determine upon a definitive settlement of the matter in such way as shall be found appropriate.

If this proposal should be acceptable to His Majesty's Government your reply to that effect will be regarded as perfecting the agreement by exchange of notes.

I have, etc., JOHN HAY.

File No. 2160.

The British Ambassador to the Secretary of State.

No. 198.] BRITISH EMBASSY,
Lenox, Mass., September 29, 1905.

SIR: I communicated to the Marquis of Lansdowne the note dated December 10, 1904, which I had the honor to receive from Mr. Hay, regarding certain islands near the coast of British North Borneo over which the British North Borneo Company were desirous of continuing to exercise control.

At the conclusion of this note Mr. Hay stated that—

the Government of the United States would be willing to come to an understanding with His Majesty's Government whereby a joint examination of the

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North Bornean neighborhood shall be made by two experts, one on behalf of each Government, under instructions to agree, if possible, upon a tentative line which shall conveniently and fairly represent the intention of the parties to the protocol of 1885, making report thereof to their respective Governments, with statements of any points upon which they may not be able to agree. The two Governments will then be in a position to determine upon a definite settlement of the matter in such a way as shall be found appropriate.

I am now instructed by the Marquis of Lansdowne to say that His Majesty's Government fully appreciate the friendly spirit in which the proposal made in Mr. Hay's note is put forward. At the same time His Majesty's Government desire me to state that they do not consider that there is at present any necessity for carrying out a demarcation between the American possessions and British North Borneo, as there is no intention on their part to question the title of the United States to the islands aforementioned. His Majesty's Government desired only to ascertain whether the United States Government would be willing to forego their right to these islands, out of consideration for the fact that the North Borneo Company had during many years carried on the administration of them under the apparent belief that the islands formed part of the company's territory, and as the company attached importance to being permitted to retain control over them. It is thought that the possession of the islands may be of little importance to the United States, and, in view of the aforegoing explanations, I am instructed to inquire whether the United States Government would feel disposed to make the concession suggested.

I have, etc.,

H. M. DURAND.

File No. 2160.

The British Ambassador to the Secretary of State.

No. 5.] BRITISH EMBASSY,
Washington, January 6, 1906.

SIR: I communicated to my Government the suggestion made by you early in November last regarding certain islands in North Borneo, the question of the control over which formed the subject of my note to Mr. Loomis, No. 198, of September 29 last. The Marquess of Lansdowne communicated with the British North Borneo Company on the subject.

The reply of the company has now been received, and they have expressed their appreciation of the offer made by you. They fear, however, that the course suggested by you would not be altogether satisfactory, and have pointed out that it would necessitate the drafting of a document of a very complicated character. They therefore desire to put forward an alternative proposal, namely, that they should carry on the administration of the islands in question, whilst recognizing the rights of the United States by an annual payment of $150.

I am accordingly instructed to submit this proposal to the favorable consideration of the United States Government.

I have, etc.,

H. M. DURAND.

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File No. 2160.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, January 12, 1906.

DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your official note of the 6th instant, in regard to the control to be exercised over certain islands in North Borneo, and, as a preliminary to a more formal interchange of views should an agreement by exchange of note appear desirable, to submit the following:

The present alternative proposal of the British North Borneo Company might be carried out by exchange of notes between the two Governments, but I think some formalities would be necessary, e. g.:

1. The company to submit a chart of the region, showing the line within which it desires to carry on administration, as well as the line which is recognized as dividing North Bornean territory from American territory.

2. The engagement might be either of indefinite duration or for renewable periods. I think the former preferable if the right to terminate it upon one year's notice be expressed.

3. In case of denunciation, the disposal of the company's real property on the administered islands, if it have made any improvements thereon, should be specified.

4. In consideration of our refraining from administering the islands in question, to the extent to which the company may deem adequate to protect its coasts from smuggling or piratical incursions, the United States should be distinctly exempted from any claim or allegation of responsibility arising out of acts done in or from the American islands outside of the limits of Bornean administration.

I am, etc.,

ELIHU ROOT.

File No. 2160.

The British Ambassador to the Secretary of State.

[Memorandum.]

BRITISH EMBASSY,
Washington, June 23, 1906.

The Secretary of State's semiofficial note of January 12 in regard to the control of certain islands in North Borneo was duly forwarded by His Majesty's embassy to Sir Edward Grey, who has now replied, giving the views of the British North Borneo Company on the four points raised in that note.

In regard to the first point, the company deprecate having to submit a chart showing the line dividing North Borneo from American territory. They point out that to prepare such a chart would necessitate the dispatch of a joint delimitation commission, which would involve considerable expense. His Majesty's embassy is, however, authorized to communicate to the State Department the inclosed map as showing the limits within which the company desire to carry on the administration.

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2. The company would like to be left undisturbed in the administration of the islands without any detailed agreement, the United States Government simply waiving in favor of the company their right to administer, which it is believed they have no special desire to exercise; but if this is not possible the company would prefer to continue the administration on leases renewable say every twenty-five years, paying the annual rent of $150 as suggested before.

3. The company suggest that in case of denunciation the United States Government should agree to recognize titles and concessions granted in the islands by the company and should pay the company for improvements.

4. In the event of the United States Government agreeing to refrain from administering the islands, the company will, as a matter of course, agree to the exemption of the United States Government from any claim or allegation of responsibility arising out of acts done in or from any islands within the proposed line of demarcation.

They do not suppose that it was the intention of the Department of State to disclaim responsibility for the consequences of acts done in or from American islands under the direct control of the United States administration.

File No. 2160.

The British Ambassador to the Secretary of State.

No. 208.] BRITISH EMBASSY,
Washington, November 6, 1906.

SIR: On June 23 I had the honor of leaving at the State Department a memorandum respecting the leasing to the British North Borneo Company of certain small islands off the coast of Borneo.

I have now received a dispatch from His Majesty's secretary of state for foreign affairs, inquiring what progress has been made in the matter, and accordingly I have the honor to ask you to be so good as to inform me whether it has yet been found possible to come to any decision as to the proposals set forth in the memorandum referred to above.

I have, etc., H. M. DURAND.

File No. 2160.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, December 19, 1906.

DEAR MR. AMBASSADOR: Your note of November 6 reminded me that a response has not yet been forthcoming to the memorandum which you left with me on the 23d of June last in relation to the administration or leasing of certain small islands on the North Bornean coast by the British North Borneo Company.

The matter has required much consideration and involved delay which I regret, and even at this late day I am not at all clear as to the most practical way to give effect to the desire of your Government by a formal agreement.

I apprehend that the difficulty in the way of a conventional delimitation of the boundary between the former possessions of Spain in

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the Sulu Archipelago, now belonging to the United States, and the North Bornean territories on or adjacent to the mainland of Borneo, may lie in the circumstance that the North Bornean domain is not an imperial possession of Great Britain, but is held by a British Chartered Company under grant of the native Sultans and under the protection of the Crown in virtue of such grant. If this be so, I can discern impediments to an international convention between our two countries for establishing a boundary line between their respective sovereignties—and I can equally see that objections might be raised to undertaking to fix that boundary by agreement between this Government and a chartered corporation having per se no national status.

Something of the same difficulty might arise in the case of the United States undertaking to lease the islands to a chartered company not having the standing of a government. The third condition of your memorandum illustrates this point, suggesting, as it does in effect, that such a lease should carry with it power to the company to grant titles and concessions binding upon the United States and to make valuable improvements, which would be an eventual charge upon this Government should the United States terminate the lease and reenter upon the property.

The second proposition of the company seems, on the whole, to be preferable and safer, namely, that the company be left undisturbed in the administration of the islands, without any detailed agreement, the United States Government simply waiving in favor of the company their right to such administration in the meantime—in other words, that the existing status be continued indefinitely at the pleasure of the parties. It might be agreed that such an understanding shall be with the British Government, acting on behalf of the interests of British subjects; that it shall not carry with it territorial rights (such as those of grants and concessions), that the waiver shall cover the islands to the westward and southwestward of the line traced on the map which accompanied your memorandum of June 23; that the company (through the British Government) shall agree to the exemption of the United States from any claim or allegation of responsibility arising out of acts done in or from any islands within the said line, and that the understanding shall continue until the two Governments may by treaty delimit the boundary between their respective domains in that quarter, or until one year's notice of termination, to be given by either to the other.

I should be glad to have the views of your Government on these suggestions.

I am, my dear Sir Mortimer,

Very faithfully, yours, ELIHU ROOT.

File No. 2160/6.

The British Ambassador to the Secretary of State.

No. 151.] BRITISH EMBASSY,
Intervale, N. H., July 3, 1907.

SIR: I have the honor to inform you that His Majesty's Government, acting at the request and on behalf of the British North Borneo Company, are prepared to acquiesce in the last proposal

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stated in your letter to Sir H. M. Durand of the 19th of December last, respecting the administration of certain islands on the east coast of Borneo. I am therefore instructed by His Majesty's principal secretary of state for foreign affairs to place the proposed arrangement formally on record without further delay.

His Majesty's Government understands the terms of the arrangement to be as follows:

Firstly. That the said company be left undisturbed in the administration of the islands in question without any agreement specifying details, the United States Government simply waiving in favor of the said company the right to such administration in the meantime; in other words, that the existing status be continued indefinitely at the pleasure of the two Governments concerned.

Secondly. That such privilege of administration shall not carry with it territorial rights, such as those of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company; and any grant, concession, or license made by the company shall cease upon the termination of the company's occupation.

Thirdly. That the temporary waiver of the right of administration on the part of the United States Government shall cover all the islands to the westward and southwestward of the line traced on the map which accompanied Sir H. M. Durand's memorandum of the 23d of June, 1906, and which is annexed to and to be deemed to form part of this note.

Fourthly. That the British North Borneo Company, through His Majesty's Government, shall agree to the exemption of the United States Government from any claim or allegation that the latter Government has incurred any responsibility in respect of acts done in or from any island within the said line.

Fifthly. That the understanding shall continue until the said two Governments may by treaty delimit the boundary between their respective domains in that quarter or until the expiry of one year from the date when notice of termination be given by either to the other.

Sixthly. That in case of denunciation, the United States Government shall not be responsible for the value of any buildings or other permanent improvements which may have been erected or made by the company upon the islands, but permission is hereby given to the company to remove, at its own expense, any buildings or improvements erected by it, provided the interests of the United States be not injured thereby.

I have therefore the honor to request you to be so good as to inform me whether the United States adhere to the terms of the arrangement above described, and I shall be glad to receive an assurance from you at the same time that this note will be considered by the United States Government as sufficient ratification of the above arrangement on the part of His Majesty's Government.

I have the honor, etc.,

JAMES BRYCE.

File No. 2160/6.

The Acting Secretary of State to the British Ambassador.

No. 109.] DEPARTMENT OF STATE,
Washington, July 10, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note No. 151 of the 3d instant, by which you inform me that His Majesty's Government, acting at the request and on behalf of the British North Borneo Company, are prepared to acquiesce in the last proposal stated in the letter of December 19, 1906, from the Secretary of State to Sir H. M. Durand, respecting the administration of certain islands on the east coast of Borneo, and that you are therefore instructed by His Majesty's principal secretary of state

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for foreign affairs to place the proposed arrangement formally on record without further delay.

The understanding of His Majesty's Government of the terms of the arrangement is stated by you to be as follows:

Firstly. That the said company be left undisturbed in the administration of the islands in question without any agreement specifying details, the United States Government simply waiving in favor of the said company the right to such administration in the meantime; in other words, that the existing status be continued indefinitely at the pleasure of the two Governments concerned.

Secondly. That such privilege of administration shall not carry with it territorial rights, such as those of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company; and any grant, concession, or license made by the company shall cease upon the termination of the company's occupation.

Thirdly. That the temporary waiver of the right of administration on the part of the United States Government shall cover all the islands to the westward and southwestward of the line traced on the map which accompanied Sir H. M. Durand's memorandum of the 23d of June, 1906, and which is annexed to and to be deemed to form part of this note.

Fourthly. That the British North Borneo Company, through His Majesty's Government, shall agree to the exemption of the United States Government from any claim or allegation that the latter Government has incurred any responsibility in respect of acts done in or from any island within the said line.

Fifthly. That the understanding shall continue until the said two Governments may by treaty delimit the boundary between their respective domains in that quarter or until the expiry of one year from the date when notice of termination be given by either to the other.

Sixthly. That in case of denunciation, the United States Government shall not be responsible for the value of any buildings or other permanent improvements which may have been erected or made by the company upon the islands; but permission is hereby given to the company to remove, at its own expense, any buildings or improvements erected by it, provided the interests of the United States be not injured thereby.

The understanding of His Majesty's Government as above recited agreeing with that of the United States, I have the honor formally to announce the adherence of the United States to the arrangement and the acceptance of your note as sufficient ratification of the arrangement on the part of His Majesty's Government.

I have, etc.,

ROBERT BACON.

CONVENTION BETWEEN GREAT BRITAIN AND RUSSIA CONCERNING THE INTERESTS OF THEIR STATES ON THE CONTINENT OF ASIA.[a]

File No. 8570/5–8.

Ambassador Reid to the Secretary of State.

No. 453.] AMERICAN EMBASSY,
London, September 24, 1907.

SIR: I have the honor to inclose herewith two copies of the convention signed on August 31, 1907, between Great Britain and Russia, containing arrangements on the subject of Persia, Afghanistan, and Tibet, a summary of which was given in my cablegram No. 197, which I now confirm. A copy of Sir Edward Grey's inclosing note is also included.

I have, etc., WHITELAW REID.

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[a] See also under Russia, p. 980.

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[Inclosure 1.]

The Minister for Foreign Affairs to Ambassador Reid.

No. 31342.] FOREIGN OFFICE,
London, September 24, 1907.

YOUR EXCELLENCY: I have the honor to inform your excellency that on the 31st ultimo a convention was signed at St. Petersburg for the regulation of the relations of Great Britain and Russia in Persia, Central Asia, and Tibet, the ratifications of which were exchanged yesterday at the same capital, and that His Majesty's Government have resolved in agreement with the Russian Government to communicate to the American Government the text of this instrument previous to its publication, which is to take place on the 26th instant.

As the copy of the convention forwarded to His Majesty's ambassador at Washington for this purpose can not reach its destination in time for the communication to be made on the date fixed, I have the honor to transmit a copy to your excellency herewith for the information of your Government.

I have, etc.,

E. GREY.

[Inclosure 2.]

Convention between Great Britain and Russia, signed August 31, 1907.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of All the Russias, animated by the sincere desire to settle by mutual agreement different questions concerning the interests of their States on the Continent of Asia, have determined to conclude Agreements destined to prevent all cause of misunderstanding between Great Britain and Russia in regard to the questions referred to, and have nominated for this purpose their respective Plenipotentiaries, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Right Honorable Sir Arthur Nicolson, His Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of All the Russias;

His Majesty the Emperor of All the Russias, the Master of his Court Alexander Iswolsky, Minister for Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following:

ARRANGEMENT CONCERNING PERSIA.

The Governments of Great Britain and Russia having mutually engaged to respect the integrity and independence of Persia, and sincerely desiring the preservation of order throughout that country and its peaceful development, as well as the permanent establishment of equal advantages for the trade and industry of all other nations;

Considering that each of them has, for geographical and economic reasons, a special interest in the maintenance of peace and order in certain provinces of Persia adjoining, or in the neighbourhood of, the Russian frontier on the one hand, and the frontiers of Afghanistan and Baluchistan on the other hand; and being desirous of avoiding all cause of conflict between their respective interests in the above-mentioned Provinces of Persia;

Have agreed on the following terms:

I.

Great Britain engages not to seek for herself, and not to support in favour of British subjects, or in favour of the subjects of third Powers, any Concessions of a political or commercial nature—such as Concessions for railways, banks, telegraphs, roads, transport, insurance, etc.—beyond a line starting from Kasr-i-Shirin, passing through Isfahan, Yezd, Kakhk, and ending at a point on the Persian frontier at the intersection of the Russian and Afghan frontiers, and not to oppose, directly or indirectly, demands for similar Concessions in

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this region which are supported by the Russian Government. It is understood that the above-mentioned places are included in the region in which Great Britain engages not to seek the Concessions referred to.

II.

Russia, on her part, engages not to seek for herself and not to support, in favour of Russian subjects, or in favour of the subjects of third Powers, any Concessions of a political or commercial nature—such as Concessions for railways, banks, telegraphs, roads, transport, insurance, etc.—beyond a line going from the Afghan frontier by way of Gazik, Birjand, Kerman, and ending at Bunder Abbas, and not to oppose, directly or indirectly, demands for similar Concessions in this region which are supported by the British Government. It is understood that the above-mentioned places are included in the region in which Russia engages not to seek the Concessions referred to.

III.

Russia, on her part, engages not to oppose, without previous arrangement with Great Britain, the grant of any Concessions whatever to British subjects in the regions of Persia situated between the lines mentioned in Articles I and II.

Great Britain undertakes a similar engagement as regards the grant of Concessions to Russian subjects in the same regions of Persia.

All Concessions existing at present in the regions indicated in Articles I and II are maintained.

IV.

It is understood that the revenues of all the Persian customs, with the exception of those of Farsistan and of the Persian Gulf, revenues guaranteeing the amortization and the interest of the loans concluded by the Government of the Shah with the "Banque d'Escompte et des prêts de Perse" up to the date of the signature of the present Arrangement, shall be devoted to the same purpose as in the past.

It is equally understood that the revenues of the Persian customs of Farsistan and of the Persian Gulf, as well as those of the fisheries on the Persian shore of the Caspian Sea and those of the Posts and Telegraphs, shall be devoted, as in the past, to the service of the loans concluded by the Government of the Shah with the Imperial Bank of Persia up to the date of the signature of the present Arrangement.

V.

In the event of irregularities occurring in the amortization or the payment of the interest of the Persian loans concluded with the "Banque d'Escompte et des Prêts de Perse" and with the Imperial Bank of Persia up to the date of the signature of the present Arrangement, and in the event of the necessity arising for Russia to establish control over the sources of revenue guaranteeing the regular service of the loans concluded with the first-named bank, and situated in the region mentioned in Article II of the present Arrangement, or for Great Britain to establish control over the sources of revenue guaranteeing the regular service of the loans concluded with the second-named bank, and situated in the region mentioned in Article I of the present Arrangement, the British and Russian Governments undertake to enter beforehand into a friendly exchange of ideas with a view to determine, in agreement with each other, the measures of control in question and to avoid all interference which would not be in conformity with the principles governing the present Arrangement.

CONVENTION CONCERNING AFGHANISTAN.

The High Contracting Parties, in order to ensure perfect security on their respective frontiers in Central Asia and to maintain in these regions a solid and lasting peace, have concluded the following Convention:—

ARTICLE I.

His Britannic Majesty's Government declare that they have no intention of changing the political status of Afghanistan.

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His Britannic Majesty's Government further engage to exercise their influence in Afghanistan only in a pacific sense, and they will not themselves take, nor encourage Afghanistan to take, any measures threatening Russia.

The Russian Government, on their part, declare that they recognize Afghanistan as outside the sphere of Russian influence, and they engage that all their political relations with Afghanistan shall be conducted through the intermediary of His Britannic Majesty's Government; they further engage not to send any Agents into Afghanistan.

ARTICLE II.

The Government of His Britannic Majesty having declared in the Treaty signed at Kabul on the 21st March, 1905, that they recognize the Agreement and the engagements concluded with the late Ameer Abdur Rahman, and that they have no intention of interfering in the internal government of Afghan territory, Great Britain engages neither to annex nor to occupy in contravention of that Treaty any portion of Afghanistan or to interfere in the internal administration of the country, provided that the Ameer fulfils the engagements already contracted by him towards His Britannic Majesty's Government under the above-mentioned Treaty.

ARTICLE III.

The Russian and Afghan authorities, specially designated for the purpose on the frontier or in the frontier provinces, may establish direct relations with each other for the settlement of local questions of a non-political character.

ARTICLE IV.

His Britannic Majesty's Government and the Russian Government affirm their adherence to the principle of equality of commercial opportunity in Afghanistan, and they agree that any facilities which may have been, or shall be hereafter obtained for British and British-Indian trade and traders, shall be equally enjoyed by Russian trade and traders. Should the progress of trade establish the necessity for Commercial Agents, the two Governments will agree as to what measures shall be taken, due regard, of course, being had to the Ameer's sovereign rights.

ARTICLE V.

The present Arrangements will only come into force when His Britannic Majesty's Government shall have notified to the Russian Government the consent of the Ameer to the terms stipulated above.

ARRANGEMENT CONCERNING THIBET.

The Governments of Great Britain and Russia recognizing the suzerain rights of China in Thibet, and considering the fact that Great Britain, by reason of her geographical position, has a special interest in the maintenance of the status quo in the external relations of Thibet, have made the following Arrangement:—

ARTICLE I.

The two High Contracting Parties engage to respect the territorial integrity of Thibet and to abstain from all interference in its internal administration.

ARTICLE II.

In conformity with the admitted principle of the suzerainty of China over Thibet, Great Britain and Russia engage not to enter into negotiations with Thibet except through the intermediary of the Chinese Government. This engagement does not exclude the direct relations between British Commercial Agents and the Thibetan authorities provided for in Article V of the Convention between Great Britain and Thibet of the 7th September 1904, and confirmed by the Convention between Great Britain and China of the 27th April, 1906; nor does it modify the engagements entered into by Great Britain and China in Article I of the said Convention of 1906.

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It is clearly understood that Buddhists, subjects of Great Britain or of Russia, may enter into direct relations on strictly religious matters with the Dalai Lama and the other representatives of Buddhism in Thibet; the Governments of Great Britain and Russia engage, as far as they are concerned, not to allow those relations to infringe the stipulations of the present arrangement.

ARTICLE III.

The British and Russian Governments, respectively, engage not to send representatives to Lhassa.

ARTICLE IV.

The two High Contracting Parties engage neither to seek nor to obtain, whether for themselves or their subjects, any concessions for railways, roads, telegraphs, and mines, or other rights in Thibet.

ARTICLE V.

The two Governments agree that no part of the revenues of Thibet, whether in kind or in cash, shall be pledged or assigned to Great Britain or Russia or to any of their subjects.

ANNEX TO THE ARRANGEMENT BETWEEN GREAT BRITAIN AND RUSSIA CONCERNING THIBET.

Great Britain reaffirms the Declaration, signed by His Excellency the Viceroy and Governor-General of India and appended to the ratification of the Convention of the 7th September, 1904, to the effect that the occupation of the Chumbi Valley by British forces shall cease after the payment of three annual installments of the indemnity of 25,000,000 rupees, provided that the trade marts mentioned in Article II of that Convention have been effectively opened for three years, and that in the meantime the Thibetan authorities have faithfully complied in all respects with the terms of the said Convention of 1904. It is clearly understood that if the occupation of the Chumbi Valley by the British forces has, for any reason, not been terminated at the time anticipated in the above Declaration, the British and Russian Governments will enter upon a friendly exchange of views on this subject.

The present Convention shall be ratified, and the ratifications exchanged at St. Petersburg as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention and affixed thereto their seals.

Done in duplicate at St. Petersburg, the 18th (31st) August, 1907.

[L. S.] A. NICOLSON.
[L. S.] ISWOLSKY.

REQUIREMENTS FOR THE REGISTRATION OF AMERICAN MEDICAL PRACTITIONERS IN THE BRITISH POSSESSIONS IN THE FAR EAST.

File No. 3513.

The Acting Secretary of State to Chargé Carter.

No. 366.] DEPARTMENT OF STATE,
Washington, January 7, 1907.

SIR: I inclose a letter from Charles A. L. Reed, chairman of the committee on medical legislation of the American Medical Association, bringing to the department's notice alleged discrimination

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against the graduates of American medical schools in Hongkong and other British territory in the Orient.

You will make appropriate inquiry and report to the department regarding the specific discrimination complained of in the inclosure.

I am, etc.,

ALVEY A. ADEE.

[Inclosure.]

Mr. Reed to the Secretary of State.

AMERICAN MEDICAL ASSOCIATION,
Cincinnati, Ohio, December 26, 1906.

DEAR SIR: The attention of this office has been called to the fact that, in Hongkong and other British territory in the Orient, the graduates of American medical schools are not permitted to practice, but that such privilege is extended to the graduates of Japanese medical schools. The reasons given for the exclusion of American medical practitioners is that they are graduated on a four years' course instead of a five years' course of instruction, such as is required in the medical schools of Great Britain This would be a very tenable ground if, as represented to this office, it were not true that the Japanese schools require but four years for graduation. If this is true, the prohibition against American medical practitioners amounts to an unfair discrimination, and one which involves the prestige of the entire American medical profession.

I have the honor to request on behalf of the American Medical Association that you kindly ascertain the exact facts relative to this situation and inform this office of the results of your investigation; and, furthermore, that you take all necessary steps to protect the material interests and the prestige of the American medical profession against such discrimination as you may find to exist.

Respectfully, yours,

CHARLES H. L. REED,
Chairman of the Committee on Medical Legislation.

File No. 3513/2-5.

Chargé Carter to the Secretary of State.

No. 332.] AMERICAN EMBASSY,
London, March 2, 1907.

SIR: With reference to the department's instruction No. 366 of January 7, 1907, respecting the registration of American medical practitioners in the British possessions in the Far East, I have the honor to inclose herewith a copy of a note from the foreign office, dated the 28th ultimo, together with copies of the sections of the ordinances in force in Hongkong, the Straits Settlements, and Ceylon with regard to the matter which specify the conditions upon which licenses to practice are issued.

It is stated in Sir Edward Grey's note that the governor of Hongkong has also been requested to report upon the state of affairs at present obtaining in that colony. As soon as this report is received I will forward it to the department without delay.

I have, etc.,

JOHN RIDGELY CARTER.

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[Inclosure.]

HONGKONG.

Ordinance I of 1884.—Qualifications for Registration.

11. Any person claiming to be entitled under the medical acts, 1858 and 1886, of the imperial Parliament, or any act amending the same, to be registered under this ordinance shall be so registered on producing to the colonial secretary, in proof of his title thereto, a declaration according to the Form No. 2 in the schedule of this ordinance, made by him before any justice of the peace and impressed with a stamp for duty, by way of registration fee, of $5: *Provided*, That the name of such person appears in The Medical Register then most recently published under the medical act, 1858, of the imperial Parliament, or such person produces to the colonial secretary a certified copy of the entry of his name in the general register or in any branch register of the United Kingdom, signed by the registrar of the general medical council or of any branch council of the United Kingdom.

12. Any person who—

(1) Is registered as a medical or surgical practitioner according to the law of any of Her Majesty's dominions (other than the United Kingdom and this colony) and therein is entitled or qualified to practice medicine, surgery, and midwifery; or

(2) Holds a medical diploma, degree, fellowship, membership, license, authority to practice, letters testimonial, certificate, or other status or document granted by any university, corporation, college or other body, or by the Hongkong College of Medicine for Chinese in this colony, or by any department of or any person acting under the authority of the government of any country or place within or without Her Majesty's dominions, qualifying or entitling him to practice medicine, surgery, and midwifery in the country or place where it is granted, shall be entitled to be registered under this ordinance: *Provided*, Always that such person shall prove to the satisfaction of the medical board that he is of good character and that he has passed through a course of study and examination as thorough and sufficient as the minimum course of study and examination in any similar case required under the said medical acts, 1858 and 1886, of the imperial Parliament or by order of Her Majesty's privy council.

13. (1) Documentary or other evidence of the identity of any person applying for registration under the last preceding section and of the fact that such person has been registered as aforesaid in some country or place within Her Majesty's dominions (other than the United Kingdom or this colony as aforesaid), or that such diploma or other document aforesaid has been granted and that such person possesses the necessary qualifications as aforesaid, shall be submitted to the medical board by any person applying to be registered, and the board shall forthwith consider the same.

(2) If the board is satisfied with the proofs submitted it shall grant to such person a certificate in the Form No. 3 in the schedule to this ordinance, or as near thereto as circumstances will permit.

(3) Such certificate shall be impressed with a stamp for duty, by way of registration fee, of $25, and, on production to the colonial secretary, shall entitle such person to registration as a medical practitioner in this colony.

(4) If the board is not satisfied that such person has been registered as aforesaid, or with his diploma or other document as aforesaid, or with the evidence of qualification, or with the character of the applicant, it shall submit the case, with a full report thereon, together with all documents in connection therewith, to the governor-in-council.

(5) The governor-in-council shall decide whether the board shall or shall not give the certificate as aforesaid; and such decision shall be final, and, if it is in the applicant's favor, he shall thereupon be entitled to such certificate.

STRAITS.

Ordinance No. 9 of 1905.

11. The following persons shall be entitled to registration under this ordinance.

(*a*) The holder of any British Indian of British colonial degree, diploma, or license entitling him to practice medicine and surgery.

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(*b*) The holder of a degree or license in medicine and surgery of any medical school in Europe, the United States of America, or the Empire of Japan, the degrees, diplomas, and licenses of which are recognized as entitling to registration by the general council of medical education and registration in the United Kingdom.

(*c*) Persons already in practice in the colony possessing the degrees or diplomas of a regular school of medicine and surgery who shall satisfy the medical council as to the validity of their qualifications.

Provided that any person who can satisfy the medical council that he has been engaged in medical practice in the colony for not less than six months immediately preceding the commencement of this ordinance shall be entitled to submit himself for examination by the medical council in medicine surgery, including clinical medicine and surgery, midwifery and therapeutics, within three months from the commencement of this ordinance, and in the event of his satisfying the said medical council that he possesses a competent knowledge of the said subjects he shall be entitled to registration under this ordinance.

CEYLON.

Ordinance No. 2 of 1905.

2. (1) The registrar of the Ceylon Medical College shall keep a register of medical practitioners qualified to practice medicine and surgery in Ceylon. The register shall be, as nearly as may be, according to Form A in the schedule to this ordinance.

(2) The said registrar shall not register any person as a medical practitioner unless he produce—

(*a*) In the case of a person claiming to be qualified under the acts of the United Kingdom known as the medical acts, the proof required by section 12 of this ordinance.

(*b*) In the case of a person claiming to be qualified otherwise than under the said acts a certificate of the council of the Ceylon Medical College that such person is entitled to be registered under this ordinance: *Provided*, That no certificate shall be issued by the council of the Ceylon Medical College to any person claiming to be registered under a degree, diploma, or other qualification granted or issued by any foreign state or country, unless such foreign state or country allows either by law or ordinance in that behalf, provided any person qualified to be registered and to practice medicine and surgery in Ceylon to practice as a medical practitioner in such foreign state or country without further or other qualification in that behalf.

(3) Every such registration shall be liable to a stamp duty of Rs. 5, which shall be paid by each medical practitioner before his name is entered in such register.

File No. 3513/6–11.

Ambassador Reid to the Secretary of State.

No. 397.] AMERICAN EMBASSY,
London, July 9, 1907.

SIR: With reference to the department's instruction No. 366 of the 7th of January last, and in continuation of my dispatch No. 332 of March 2, 1907, in regard to the discrimination alleged to be exercised by the medical board of Hongkong against practitioners from the United States, I have the honor to inclose herewith a copy of a note which I have received from the foreign office, dated the 5th instant, giving the reasons of the board for their action.

I have, etc.,

WHITELAW REID.

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[Inclosure.]

The Minister for Foreign Affairs to Ambassador Reid.

No. 17348.] FOREIGN OFFICE,
London, July 5, 1907.

YOUR EXCELLENCY: With reference to my note of the 28th of February, I have the honor to inform your excellency that the governor of Hongkong caused inquiry to be made as to the discrimination alleged to be exercised by the medical board of the colony against practitioners from the United States.

The board states that there has never been any discrimination against any nationality and that every case has been considered on its individual merits. The board has always been guided by the terms of the ordinance governing the matter in the colony, which states that every person applying to be put upon the medical register "shall prove to the satisfaction of the board that he is of good character and that he has passed through a course of study and examination as thorough and sufficient as the minimum course of study and examination in any similar case required under the imperial medical acts."

By the laws of the United Kingdom the only foreign countries whose medical graduates and diplomas are eligible for registration in the British medical register are those which His Majesty in council has held to offer just privileges of practice to British medical practitioners. At present the Kingdom of Italy and the Empire of Japan have alone established such relations of reciprocity with this country. As regards Japan, the General Medical Council has recognized only the medical degrees of the imperial universities of Japan, on the ground that the course of study and examinations for these degrees extends over a period of at least six years, and is more than equivalent to the minimum course required in this country. The like is true of the degrees of the universities of Italy.

The General Medical Council has not recognized the diplomas of nonuniversity schools and colleges in Japan pending the coming into operation of a new law which purports to assimilate them to the university qualifications.

I have the honor to transmit to your excellency herewith certain papers, as marked in the margin, dealing with this question of reciprocity.

Under the imperial medical acts, the General Medical Council of Great Britain and Ireland is constituted the authority which shall decide what course of study and examination is necessary, and since the year 1894 the General Medical Council have made a five years' course obligatory. The medical board of Hongkong have therefore also demanded evidence of a five years' course of study from candidates for medical registration in the colony.

There is at present only one Japanese doctor registered in Hongkong—Doctor Majima. The papers first sent in by Doctor Majima only showed a course of four years medical study after registration at the Tokyo University and on that ground the board were of opinion that he could not be registered. It was then proved to the satisfaction of the board by the Japanese consul that in all cases at the University of Tokyo before a student registered and commenced his strictly medical studies he had to spend two years studying preliminary science, including anatomy—that is to say, scientific subjects which are ancillary to the study of medicine proper.

Under the regulations instituted by the General Medical Council of Great Britain and Ireland, the first year of study after registration is given up to the study of precisely the same subjects as are studied at Tokyo during the two years before registration. Thus it appears to the Medical Board of Hongkong that medical students at the Tokyo University have actually to go through a six years' course as against the five years demanded by the General Medical Council in England.

The medical board state that they would have no hesitation in recommending for registration any candidate of whatever nationality who can show proof of a similar course of study, but that four years' medical study, unless immediately preceded by at least one year's study of the sciences ancillary to that of medicine proper, is not sufficient to satisfy the terms of the ordinance.

I have, etc.,

E. GREY.

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EARTHQUAKE IN JAMAICA.

File No. 3892/2.

Consul Snyder to the Secretary of State.

[Telegram.]

JAMAICA, *January 16, 1907.*

Fearful earthquake followed by fire; Kingston destroyed; hundreds of lives lost; food sadly wanted. Consulate partially destroyed; fireproof safe.

AMERICAN CONSUL.

File No 3892.

President Roosevelt to King Edward.

[Telegram.]

THE WHITE HOUSE,
Washington, January 16, 1907.

I beg your Majesty to accept my own sympathy and that of the American people on account of the dire disaster that has befallen your Majesty's subjects in Jamaica.

THEODORE ROOSEVELT.

File No 3892.

The Secretary of State to the British Chargé.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 16, 1907.

Express to Sir Edward Grey my profound sympathy on account of the disaster in Jamaica.

ROOT.

File No 3892.

The Secretary of State to the Governor of Jamaica.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 16, 1907.

I beg your excellency to believe in the deep and sincere sympathy of the people of the United States at this time of death and suffering in Jamaica.

ELIHU ROOT.

File No. 3892/2.

The Secretary of State to the British Chargé.

DEPARTMENT OF STATE,
Washington, January 16, 1907.

MY DEAR MR. HOWARD: May I ask you to cable directly to the governor of Jamaica an expression of the deep and sincere sympathy

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which the people of the United States feel for the people of Jamaica in their great misfortune?

And can you also ascertain and inform me whether the situation in Jamaica is such that the people are in need of supplies or assistance of any kind which we can send from our naval station at Guantanamo?

If there is anything that we can do to relieve or prevent distress, our Navy Department will be most happy to do it, and Guantanamo is so near to Kingston that perhaps early relief may be afforded from there.

Very sincerely, yours, ELIHU ROOT.

File No. 4001/2.

The British Chargé to the Secretary of State.

BRITISH EMBASSY,
Washington, January 17, 1907.

SIR: I have the honor to inform you that I have been instructed by His Majesty's principal secretary of state for foreign affairs to express the high appreciation of His Majesty's Government at the prompt assistance rendered by the United States Government in the dispatch of their ships to Jamaica to afford aid to the stricken population of Kingston.

I have, etc., ESME HOWARD.

File No. 4001/3.

The British Chargé to the Secretary of State.

BRITISH EMBASSY,
Washington, January 18, 1907.

DEAR MR. ROOT: I am desired by Sir Edward Grey to express to you his most sincere thanks for your message of sympathy on account of the Jamaica disaster, which was conveyed to him yesterday by Mr. Carter, and which was very greatly appreciated by Sir Edward Grey.

I have, etc.,

ESME HOWARD.

File No. 4001/7.

The Governor of Jamaica to the Secretary of State.

[Telegram.]

JAMAICA, *January 20, 1907.*

Jamaica profoundly grateful to your excellency for expression of sympathy and for the very practical aid so kindly given by Admiral Davis and the entire particular service squadron of the United States Navy.

GOVERNOR.

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File No. 4001/29-31.

Vice-Consul Orrett to the Assistant Secretary of State.

UNITED STATES CONSULATE,
Kingston, Jamaica, January 20, 1907.

SIR: I propose now to give the department a short account of what I have done and been trying my best to do under fearful conditions with one's life in danger all the while.

After my life which by God's grace was saved, and finding that the fire was confined to the western portion of the business part of the city, I ran home to see if my wife and children were saved; found they were, but my house was ruined; I then prepared a cable informing you of the great earthquake, found out that the manager of the district West India Cable Company was saved, and gave it to him to at once dispatch as soon as he could, as he feared the shore connection was broken. The cable ran as follows:

Fearful earthquake to-day. City ruined and in flames. Food wanted. Consulate destroyed; will try to save archives.

Immediately after I wrote a dispatch confirming the same.

On the 17th Admiral Davis arrived on the *Missouri*, accompanied by the *Indiana*, and I got him to send a wireless message to Guantanamo confirming same. I also wrote you a further dispatch on board the *Missouri*, which the torpedo destroyer *Whipple* took to Guantanamo the same night. I was outside the consulate building the morning after the earthquake protecting interests, and arranged a temporary office in a portion of a partially destroyed building near by.

Already advised you in my dispatch of the 17th instant that the archives were saved by a wrecking party from the *Missouri*, and also cabled you on the 19th:

Established temporary office next consulate. All archives saved. Interests fully protected. Admiral Davis rendering great services.

I have removed all the most important of the archives to my destroyed residence, 3 miles from Kingston, and placed them in my coach house, which is now my temporary home, where they are all quite safe, and I got a builder to prize up with lumber the portion of the consulate building standing (another severe shock occurred whilst writing this here, Sunday, 2.45 p. m.), so that the stationery, furniture, law books are safe. I have no place to remove them; I have cleaned up the wreckage in the yard. Shocks occur daily, some slight others severe enough to cause alarm; another just occurred. Only one paper, the Gleaner, has published a fly sheet, and I inclose their first issue giving inter alia: 1. Story of the destruction. 2. Death and injured list; the latter apparently, however, is very unreliable, as I heard from parties in a position to know that over 1,000 have been buried to date, many so charred as to be beyond recognition, and yesterday and to-day dead bodies are being dug up all in the vicinity of the consulate; several bodies have passed here to-day, Sunday, but I am determined to stick to my post all day, getting this ready for the mail to-morrow, Monday.

I have taken names of all Americans I could get hold of and send same inclosed; some 60 or more left by the Hamburg-American steamer for New York on the 17th instant, and I will endeavor to

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get their names and send you. Many of these, I understand, came from the country by the trains, which are running all night. The following is a short account of the services rendered by Admiral Davis, his officers and men:

I met Admiral Davis at headquarters house and after introducing him to Colonial Secretary Bourne, Admiral offered his services, aid, etc., with the Government. Whilst in the midst of the interview Deputy Inspector-General Wedderburn arrived hurriedly and reported serious mutiny at general penitentiary and asked Admiral for aid, which Bourne agreed to. Wedderburn said only an armed force could put it down. Admiral at once dispatched flag lieutenant to his flagship with instructions generally. Landed an armed force at the request of the governor to quell the mutiny at the penitentiary, took complete charge of it, quelled the mutiny, delivered the ringleaders for punishment to the British authorities, forced the prisoners into their cells, and having established order returned at the request of the British authorities. Working on the light-house on Plumb Point; fed several hundreds of starving Americans and British passengers on the Hamburg-American pier; sent about 200 men from the ships to assist in clearing streets, tearing down dangerous walls and recovery of the dead; the work is still being continued.

INFORMATION FOR HYDROGRAPHIC OFFICE.

Given by Commander J. K. Robinson, navigating officer of the *Indiana*. The east channel of Kingston Harbor is clear, and all vessels can come into port safely.

Many cases of wounded men were treated on board the ships, and medical supplies and attentions given to the army officers and all local hospitals that required aid. Established a hospital with some 60 cases treating. Ships' officers and men engaged effecting repairs to electric trolley cars. Officers and men going about city distributing food to the destitute, distributing medical supplies to all hospitals that need them, and many other services too numerous to mention, and last, though not least, their presence here aided very much in not only restoring public confidence, but in aiding the authorities in preserving and keeping order.

Whilst in this connection I think it my duty to state that Mr. Cockell, the superintendent of the Royal Mail Steam Packet Company, placed his wharf at the disposal of the admiral for landing, and in every way granted every facility possible.

Under the trying circumstances and the condition under which I have to dictate this, in a temporary, unsafe building, with offensive smells all around me, and great anxiety of mind, you must excuse all errors and imperfections and accept this more in the light of a rough memorandum. I have not yet had time to count the official stamps, and some may be missing, but I brought them up to my home, as in this temporary office there is no place to keep them, and they are safer in my trunk. I have had to issue documents without them.

It is difficult to get information, as more or less everything is demoralized, and whilst the authorities appear to be trying to do their best, the serious situation demands more, as there are some 10,000 people or more without homes camping out in the open air,

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a few in rough tents affording little if any protection. If rains should set in, the consequences may be serious.

The streets are, however, being cleaned up, but it will take some time before all this can be done.

The railway pier has been also saved, so that cargoes of foodstuffs can be landed and stored, and fruit and other produce can be brought in from the country by rail and shipped, and the business of the port thus resumed.

Whilst about closing this I received your cable message in re parties inquiring for their relatives, and I am now trying to get the information, and will add to this as soon as I get it.

As to myself, I may say that my personal loss, including total destruction by fire of my law office and valuable papers of clients, destruction of my house, partly owned by me, damage to my wife's property, furniture, etc., can not be covered under $10,000, and at my age of 48 I have practically to commence life de novo, and I feel that I will claim your sympathy. The consular clerk, Mr. Buckley, who has rendered faithful service to the department as messenger and assistant clerk, is also a heavy loser.

I have just got the information relative to your cable, and replied as follows:

No loss of life at any of the hotels at Montego Bay, Port Antonio, interior towns Knutsford Park, Constant Spring, or any other hotels, except Myrtle Bank, which was completely wrecked. Many deaths occurred there, chiefly employees; none of the names mentioned in your cable appear in death list so far published. Many bodies found in the business portion of the city, which was devastated by fire, were burnt beyond recognition. Sperry Bourke Watson and wife, Mrs. Case Joseph, and Mary Eustace Edwards and daughter Taylor, all alive. Consulate open to-day, Sunday. Another shock this forenoon; no damage. Trains running. Two piers saved.

ORRETT.

All of which I confirm.

I am, etc.,

WILLIAM H. ORRETT.

File No. 4001/2.

The Acting Secretary of State to the British Chargé.

No. 604.] DEPARTMENT OF STATE,
Washington, January 21, 1907.

SIR: In acknowledging the receipt of your note of the 17th instant, expressing the appreciation felt by your Government for the aid rendered by the United States naval vessels to the population of Kingston, I have the honor to say that this Government was glad that the proximity of its naval vessels to the scene of disaster permitted it to be of some service to His Majesty's stricken subjects.

I have, etc.,

ROBERT BACON.

File No. 4001/19.

Archbishop Nuttall to President Roosevelt.

[Telegram.]

KINGSTON, JAMAICA,
January 21, 1907.

We all appreciate deeply American sympathy in our distress and the prompt visit of your men-of-war for our succor. Happily sup-

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ply of food available for relief committee is sufficient. After meeting cost of this our next great want will be the means for making small houses habitable. All our people are behaving splendidly.

ARCHBISHOP NUTTALL,
Chairman of Relief Committee.

File No. 4001/13.

Consul Snyder to the Secretary of State.

[Telegram.]

HOLLAND BAY, JAMAICA,
January 22, 1907.

Estimate 1,500 instantly killed; about 900 buried; others burned where found; many injured dead since; after inquiry learn no Americans identified dead or injured. Kingston Hotel not yet cleared; Americans presumed buried there. Approximate total deaths 1,800. No scarcity food. Medicines, disinfectants urgently needed. Water supply fair. Thirty thousand reported homeless. Clearing streets of débris rapidly pursued. People tranquil.

SNYDER.

File No. 4001/14.

The Governor of Porto Rico to the Secretary of State.

[Telegram.]

SAN JUAN DE PORTO RICO,
January 22, 1907.

I have been asked to ascertain present conditions Jamaica sufferers. Whether Red Cross desire private subscriptions and form donations should take. Please cable reply.

BEEKMAN WINTHROP.

File No. 4001/18.

The British Chargé to the Acting Secretary of State.

No. 14.] BRITISH EMBASSY,
Washington, January 22, 1907.

SIR: With reference to our conversation of the 19th instant at the State Department, I have the honor to inform you that His Majesty's Government gratefully appreciate the suggested offer on the part of the United States Government to render further assistance, either in the form of monetary contribution or otherwise, to the sufferers from the Kingston earthquake.

I am, however, instructed by Sir Edward Grey to reply that, while as yet no telegram has been received from the governor of Jamaica giving details as to what is required, further calls on the generosity of the United States will probably not be justified, now that the

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difficulties created during the first few days after the disaster have been overcome.

I am further instructed by His Majesty's principal secretary of state for foreign affairs to express to you the cordial appreciation of His Majesty's Government for the prompt and valuable assistance afforded by the chief engineer on the Panama Canal works in sending a special steamer to Jamaica with all available supplies and tents, as reported by the British consul at Panama.

I have also the honor to express to you herewith the thanks of the governor and people of Jamaica for the sympathy of the American people, and for the very prompt and valuable service rendered by Rear-Admiral Davis and the officers and men of the American naval squadron, who visited Kingston for that purpose. The governor adds that their grateful thanks are also due to Lieutenant-Commander Anderson, who brought surgical aid and assistance in a torpedo boat.

I have, etc., ESME HOWARD.

File No. 4001/20.

The British Chargé to the Acting Secretary of State.

No. 15.] BRITISH EMBASSY,
Washington, January 24, 1907.

SIR: With reference to your letter No. 605, of yesterday's date, which I at once forwarded to His Majesty's principal secretary of state for foreign affairs, I have the honor to communicate the following telegram, which I have received this morning in reply from Sir Edward Grey:

Please express to Assistant Secretary of State my thanks for message. The friendly attitude of the President and American Government is warmly appreciated by His Majesty's Government.

I have, etc., ESME HOWARD.

File No. 4001/19.

The Acting Secretary of State to Archbishop Nuttall.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 24, 1907.

The President much pleased with your kindly message, and directs me to express his warmest thanks.

ROBERT BACON.

File No. 4001/18.

The Acting Secretary of State to the British Chargé.

No. 610.] DEPARTMENT OF STATE,
Washington, January 26, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, in which you inform me, with reference to this Government's offer to render further assistance in the form of monetary contributions or otherwise to the sufferers from the Kingston earth-

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quake, that His Majesty's Government feel that probably no further assistance will be required, now that the difficulties created during the first few days of the disaster have been overcome. You are so good as to add an expression of the appreciation of His Majesty's Government for the assistance afforded by the chief engineer on the Panama Canal works in sending a special steamer to Jamaica with supplies and tents, and you express, in addition, the thanks of the governor and the people of Jamaica for American sympathy and the assistance rendered by Rear-Admiral Davis, his officers and men, and Lieutenant-Commander Anderson for surgical aid carried by him to the island.

I feel assured that I can add to this formal acknowledgment sincere expression of the appreciation with which the sentiments so cordially conveyed in your note are received, not alone by the Government of the United States, but by the American people.

I have, etc.,

ROBERT BACON.

File No. 4001/20.

The Secretary of State to the British Chargé.

No. 611.] DEPARTMENT OF STATE,
Washington, January 28, 1907.

SIR: I have the honor to acknowledge, with much gratification, the receipt of your note No. 15, of the 24th instant, in which, with further reference to the Jamaica disaster, you are so good as to communicate Sir Edward Grey's responsive telegram in acknowledgment of Mr. Bacon's note, No. 605, of the 22d instant.

I have, etc.,

ELIHU ROOT.

File No. 4001/66.

The British Chargé to the Secretary of State.

No. 28.] BRITISH EMBASSY,
Washington, February 1, 1907.

SIR: I have the honor to inform you, in accordance with instructions received from Sir Edward Grey, that the governor of Jamaica desires that an expression of his most sincere thanks, which are very cordially indorsed by His Majesty's Government, should be conveyed to the United States Government for a supply of tents which have been just received in Jamaica.

I have, etc., ESME HOWARD.

File No. 4001/95–98.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, February 12, 1907.

SIR: I have the honor to transmit herewith copies of correspondence between Rear-Admiral C. H. Davis, U. S. N., and the governor

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of Jamaica, in which the governor expresses the profound gratitude of the people of Jamaica for the services rendered by Rear-Admiral Davis and the officers and men under his command in Kingston at the time of the recent earthquake and subsequent conflagration.

I have, etc.,

V. H. METCALF.

File No. 4001/95-98.

[Inclosure 1.]

Rear-Admiral Davis to the Secretary of the Navy.

No. 149-D.] FLAGSHIP ALABAMA,
Guantanamo Bay, Cuba, January 30, 1907.

SIR: I have this day received a letter from the governor of Jamaica under date of January 19, the day of my departure from Kingston, a copy of which, together with a copy of my reply, I transmit herewith. I request that these documents may be made an appendix of my report of the operations of the squadron under my command at Kingston.

Very respectfully,

C. H. DAVIS.

[Inclosure 2.]

The Governor of Jamaica to Rear-Admiral Davis.

KINGS HOUSE,
Jamaica, January 19, 1907.

SIR: It is both a duty and a pleasure to me to express to you on your departure from this port the profound gratitude of the colony to you and to the officers and men of the United States detached squadron for the services you have rendered, and also for those tendered to this colony at a time when it was suffering from the effect of a sudden calamity; the promptitude with which you dispatched the surgical appliances which we needed, and the rapidity with which you followed them and devoted the services of the officers and men of your squadron to aiding suffering humanity, to guarding your consular archives and the penitentiary, to assisting in clearing the streets and pulling down walls, as well as numerous acts of assistance generously rendered to citizens, deserve my fullest recognition and gratitude, which I heartily tender to you on behalf of the government and people of this island.

2. I also desire to express my most sincere thanks for the desire you expressed to have done more if my scruples had permitted my acceptance of your squadron's services so generously rendered.

3. I trust that we may meet again under circumstances which will permit my testifying more formally than the present turmoil permitted my personal desire to do you the honor prescribed for your rank in the King's Regulations.

I have, etc.,

J. A. SWETTENHAM, *Governor.*

[Inclosure 3.]

Rear-Admiral Davis to the Governor of Jamaica.

FLAGSHIP ALABAMA,
Guantanamo Bay, Cuba, January 30, 1907.

SIR: It gives me great pleasure to acknowledge your excellency's letter of the 19th instant, and to assure you of my deep appreciation of the sentiments which it expresses.

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I may add without impropriety, I believe, the earnest wish that your own efforts in behalf of your city will be crowned with success and that the work of restoration and rebuilding will progress with rapidity.

I beg to assure your excellency of the high consideration with which I have the honor to be,

Your excellency's obedient servant, C. H. DAVIS.

File No. 4001/122-123.

The Secretary of State to the British Ambassador.

No. 50.] DEPARTMENT OF STATE,
Washington, May 1, 1907.

EXCELLENCY: I have the honor to inclose herewith copies of certain correspondence received from the Secretary of the Navy regarding the request of His Majesty's legation at Habana for a statement of the amount owed to the United States by the government of Jamaica on account of stores sent to Kingston by the American Atlantic Fleet at the time of the earthquake.

I should be very much obliged if you would be so good as to advise the Jamaican government, in accordance with the request of the Navy Department, that no charges lie against that government for the stores in question.

I have, etc., ELIHU ROOT.

[Inclosure.]

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, April 25, 1907.

SIR: The honorable Secretary of War has referred to this department a communication addressed to him by the provisional governor of Cuba, dated March 2, 1907, inclosing one addressed to Governor Magoon by the chargé d'affaires of the British legation, Habana, requesting, on behalf of the governor of Jamaica, a statement of the amount for which the government of Jamaica is responsible on account of the stores which were sent to Kingston by the U. S. Atlantic Fleet, in compliance with the request contained in the governor's telegram of January 16 last, which read:

"Kindly send immediately bandages, lint, and wool for those injured by the earthquake, at cost of colony."

In this connection I have the honor to inclose herewith, for your information, a copy of the department's letter of the 23d instant to the President, recommending that in pursuance of the act of Congress approved January 18, 1907, entitled "An act for the relief of citizens of the island of Jamaica," the issuance of the stores in question by the U. S. Atlantic Fleet be approved and that no charges therefor shall lie against the Jamaican government, which recommendation has been approved by the President.

It is requested that the British Government be advised accordingly.

I have, etc.,

TRUMAN H. NEWBERRY.

[Subinclosure.]

The Secretary of the Navy to the President.

NAVY DEPARTMENT,
Washington, April 23, 1907.

SIR: On January 16 last, on the occasion of the earthquake and attending conflagration on the island of Jamaica, the governor of that island telegraphed the provincial governor of Cuba as follows:

"Kindly send immediately bandages, lint, and wool for those injured by the earthquake, at cost of colony."

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A copy of this telegram was sent by Governor Magoon to the commander in chief U. S. Atlantic Fleet, asking him at the same time to respond, if possible, to the call of the governor of Jamaica.

The department cabled the commander in chief U. S. Atlantic Fleet on January 17, 1907, as follows:

"If in your judgment conditions require issuing stores to Kingston earthquake sufferers, you are authorized to do so."

In compliance with the foregoing it appears that stores were furnished from the medical department of the several ships of the fleet, consisting of medicines, dressing materials, etc., at an approximate cost of $186.48.

The act of Congress approved January 18, 1907, entitled "An act for the relief of the citizens of the island of Jamaica," authorized the President of the United States—

"to use and distribute among the suffering and destitute people of the island of Jamaica, such provisions, clothing, medicines, and other necessary articles belonging to the subsistence and other stores of the naval establishment as may be necessary for the purpose of succoring the people who are in peril and threatened with starvation on said island in consequence of the recent earthquake and attending conflagration."

In pursuance of the foregoing act of Congress I have the honor to request that the issuance of the stores in question by the U. S. Atlantic Fleet be approved, and that no charges therefor shall lie against the Jamaican government.

I have, etc.,

V. H. METCALF.

The PRESIDENT.

THE WHITE HOUSE, *April 23, 1907.*

Approved.

T. ROOSEVELT.

File No. 4001/136.

The British Chargé to the Secretary of State.

No. 142.] BRITISH EMBASSY,
Intervale, N. H., June 22, 1907.

SIR: I have the honor to state that your note, No. 50, of May 1, intimating to me on behalf of the Navy Department that no charges lie against the government of Jamaica for the stores sent to Kingston by the American Atlantic Fleet at the time of the earthquake was communicated by the embassy to the governor of the island.

The governor has now requested me to convey to you, and through you to the United States Government, an expression of his sincere thanks on behalf of the Jamaican government and of the sufferers for the articles so generously and promptly supplied, and to express his grateful appreciation of the action taken by the President and the Congress in declaring that no charge should lie against the colonial government in consequence of the issue of these stores.

I have much pleasure in hereby giving effect to the wishes of the governor of Jamaica, and I have, etc.,

ESME HOWARD,
(In the absence of His Majesty's ambassador).

File No. 4001/137.

The British Ambassador to the Secretary of State.

No. 158.] BRITISH EMBASSY,
Intervale, N. H., July 6, 1907.

SIR: In your note, No. 50, of May 1 you were good enough to inform me that it was the intention of the United States Government to

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make no charge upon His Majesty's Government for the stores supplied to the Jamaican government on the occasion of the recent earthquake. I communicated this decision to my Government, and I am now directed by His Majesty's principal secretary of state for foreign affairs to convey to the United States Government an expression of cordial thanks for their generosity in this matter.

I have, etc., JAMES BRYCE.

RENUNCIATION OF EXTRATERRITORIAL RIGHTS IN ZANZIBAR.

File No. 1229.

The British Ambassador to the Acting Secretary of State.

No. 138.] BRITISH EMBASSY,
Lenox, Mass., July 17, 1906.

SIR: As you are aware, Article I of the treaty between the United States and Great Britain signed by myself and the late Mr. Hay on February 25, 1905, provides that the renunciation by the United States of her extraterritorial rights in Zanzibar shall not take effect until the similar rights enjoyed there by other nations shall have been likewise renounced.

The only obstacle which since that date has prevented the attainment of this result has been the delay which has occurred in the formal surrender by Portugal of her extraterritorial rights.

When the Portuguese Government originally consented to abandon these rights, they hoped to obtain the necessary parliamentary sanction in June, 1905.

This hope not having been realized, representations were made by His Majesty's minister deprecating further delay. The Portuguese consul at Zanzibar was accordingly instructed, in July, to suspend the exercise of his jurisdiction, which was transferred to the British court provisionally pending subsequent confirmation by the Cortes.

The latter was dissolved in February last without an opportunity having arisen to introduce the necessary bill. The new Cortes convoked last month having also been dissolved immediately after having assembled, nothing further can be done in the matter until the meeting of a fresh chamber in the autumn.

Great inconvenience is being caused to the Zanzibar Government by the long and unexpected delay which has occurred in obtaining the complete surrender of foreign jurisdiction.

I am therefore instructed by Sir Edward Grey to bring the above facts to the notice of your Government, and to inquire whether, in view of the fact that Portuguese jurisdiction has in practice been discontinued, while that of France and of Italy has already been definitely surrendered, the United States Government would also be willing to transfer their jurisdiction to the British court provisionally, pending the final renunciation of her rights by Portugal.

I am instructed to add that a similar request is being made by His Majesty's Government to that of Germany.

I have, etc., H. M. DURAND.

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The Acting Secretary of State to the British Ambassador.

No. 489.] DEPARTMENT OF STATE,
Washington, July 27, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note No. 138, of the 17th instant, in which, referring to the provision in the treaty of February 25, 1905, between the United States and Great Britain, that the renunciation of the United States of extraterritorial rights in Zanzibar shall not take effect until the similar rights enjoyed there by other nations shall have likewise been renounced, you set forth the reason why the attainment of this result has been delayed, viz: The failure of the Portuguese Government to obtain the sanction of the Cortes to the surrender of such rights on its part. It appears, however, from your note that Portuguese jurisdiction in Zanzibar has in practice been discontinued and transferred to the British court, pending confirmation by the Cortes.

In view of this fact and of the further fact that extraterritorial jurisdiction has already been definitely surrendered by France and Italy, you inquire whether the Government of the United States would also be willing to transfer its jurisdiction to the British court provisionally, pending the final renunciation of her rights by Portugal.

In reply I have the honor to state that the Government of the United States will be pleased to remove on its part any inconvenience that is being caused to the Zanzibar government by the delay in obtaining complete surrender by provisionally foregoing the exercise of its consular jurisdiction in Zanzibar contingently on a similar temporary waiver by the German Government.

I have, etc., ALVEY A. ADEE.

File No. 1229/1.

Mr. Higgins (for the British Ambassador) to the Secretary of State.

No. 195.] BRITISH EMBASSY,
Lenox, Mass., October 10, 1906.

SIR: I had the honor to communicate to His Majesty's secretary of state for foreign affairs the fact that the United States Government were willing to forego provisionally their extraterritorial rights in Zanzibar, which you notified to me in your note No. 489 of July 27.

I am now instructed by Sir Edward Grey to express to you the thanks of His Majesty's Government for the courteous manner in which their desires on the subject have been met.

I have, etc.,

CECIL HIGGINS,
(For the Ambassador.)

File No. 1229/1.

The Secretary of State to the British Ambassador.

No. 545.] DEPARTMENT OF STATE,
Washington, October 15, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 10th instant, expressing the thanks of His Majesty's Gov-

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ernment for this Government's action in conditionally waiving its extraterritorial rights in Zanzibar, and to say that this department would be pleased to be advised when the German Government shall have made a similar waiver.

I have, etc., ELIHU ROOT.

File No. 1229/5.

Mr. Howard (for the British Ambassador) to the Secretary of State.

No. 59.] BRITISH EMBASSY,
Washington, March 20, 1907.

SIR: The condition laid down in Article I of the treaty between the United States and the British Governments of February 25, 1905, to the effect that the renunciation by the United States Government of their right of extraterritoriality in Zanzibar should not take effect until similar rights enjoyed there by other nations had been likewise renounced, had, as you are aware, not been fulfilled up to a recent date, owing to the failure to obtain the necessary parliamentary sanction by Portugal to the final surrender of her extraterritorial rights there.

I have now the honor to inform you that the Portuguese Government has obtained the sanction of parliament to the renunciation of these rights.

Germany is the only other country now remaining which possesses such rights under a definite treaty.

By the convention between Germany and Great Britain of November 14, 1899, the former power is bound to renounce extraterritorial rights in Zanzibar as soon as similar rights enjoyed there by other nations are abolished, and accordingly the German Government has been requested to give effect to the undertaking entered upon by them in the convention in question.

I have, therefore, the honor, under instructions from His Majesty's Government to request that you would be so good as to bring this matter to the consideration of the United States Government with a view to effect being given to the undertaking embodied in the treaty of February 25, 1905.

I have, etc., ESME HOWARD,
(In the absence of the Ambassador.)

File No. 1229/5.

The Acting Secretary of State to the British Ambassador.

No. 26.] DEPARTMENT OF STATE,
Washington, April 6, 1907.

SIR: I have the honor to acknowledge the receipt of your note No. 59, of the 20th ultimo, in which with reference to the condition laid down in Article I of the treaty between the United States and the British Governments of February 25, 1905, to the effect that the renunciation by the Government of the United States of its right of extraterritoriality in Zanzibar should not take effect until similar rights enjoyed there by other nations had been likewise renounced, you advise the department that the Portuguese Government has obtained the sanction of Parliament to the renunciation of these rights,

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and that Germany is the only other country now remaining which possesses such rights under a definite treaty.

You add that by the convention between Germany and Great Britain of November 14, 1899, the former power is bound to renounce extraterritorial rights in Zanzibar as soon as similar rights enjoyed there by other nations are abolished, and that accordingly the German Government has been requested to give effect to the undertaking entered upon by it in the convention in question.

You request therefore under instructions from your Government, that the Secretary of State bring this matter to the consideration of this Government with a view to effect being given to the undertaking embodied in the treaty of February 25, 1905.

Article I of the treaty between the United States and Great Britain, signed at Washington, February 25, 1905, by which the United States relinquishes extraterritorial rights in Zanzibar, provides as follows:

> The jurisdiction exercised thereunder by consular courts of the United States shall absolutely cease and determine, it being understood, however, that this renunciation shall not take effect until such time as the rights of extraterritoriality enjoyed in Zanzibar by other nations shall have been likewise renounced.

Article VIII of the convention between Great Britain and Germany, signed at London, November 14, 1899, reads:

> Germany renounces her rights of extraterritoriality in Zanzibar, but it is at the same time understood that this renunciation shall not effectively come into force till such time as the rights of extraterritoriality enjoyed there by other nations shall be abolished. (British and Foreign State Papers, vol. 91, pp. 73–74.)

The United States agrees that extraterritoriality "shall absolutely cease and determine;" Germany "renounces her right to extraterritoriality." The United States stipulates that "this renunciation shall not take effect until;" Germany stipulates that "this renunciation shall not effectively come into force till." The happening of the event which is to make the renunciation of the United States effective is the arrival of the time when the "rights * * * shall have been likewise renounced." The contingency for which Germany waits is the time "the rights * * * shall be abolished."

In this situation it would appear that the meaning of the two treaties is identical, the effective renunciation or abolition of extraterritoriality by each being dependent upon the fact of renunciation or abolition of the other.

The technical difficulty thus presented would appear to be susceptible of ready adjustment by the expedient of agreeing upon a date when the extraterritorial rights of the United States and Germany shall respectively and coincidently cease.

The state being agreed upon, it would seem proper that the United States and Germany should each address identical notes to the British Government, each recognizing the fact that the other does, on the given date, cease to exercise extraterritorial jurisdiction on account of the effective renunciation by the other on the same date.

If this view be taken, the Secretary of State will be very happy to consider any date which may be agreeable to His Majesty's and the German Governments.

I have, etc.,

ROBERT BACON.

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File No. 1229/9–10.

Vice-Consul Sarle to the Third Assistant Secretary of State.

No. 39.] AMERICAN CONSULATE,
Zanzibar, April 21, 1907.

SIR: I have the honor to report that the jurisdiction hitherto exercised by the German consular court in Zanzibar has been transferred to the British consular court as from March 30.

Inclosed is a copy of official notice.

I have, etc.,

A. L. SARLE.

File No. 1229/10.

[Inclosure.]

NOTICE.

It is hereby notified for general information that in accordance with an agreement concluded between His Britannic Majesty's Government and the Government of His Imperial Majesty the Emperor of Germany the jurisdiction hitherto exercised by the German consular court has been transferred to His Britannic Majesty's court for Zanzibar.

Zanzibar, 28th March, 1907.

(Signed) BASIL S. CAVE,
H. B. M. Agent and Consul-General.

File No. 1229/6.

Mr. Howard (for the British Ambassador) to Secretary of State.

No. 86.] BRITISH EMBASSY,
Washington, April 22, 1907.

SIR: In accordance with instructions which I have received from His Majesty's principal secretary of state for foreign affairs, I have the honor to inform you that the German Government have formally notified to His Majesty's Government their decision to discontinue in the future the exercise of their extraterritorial jurisdiction in Zanzibar, in accordance with the Anglo-German agreement of November 14, 1899.

The United States, as you are aware, by the treaty of February 25, 1905, undertakes to relinquish extraterritorial rights in Zanzibar as soon as such rights shall have been renounced by the other nations enjoying them.

In view therefore of the action now taken by Germany, the last remaining nation to exercise extraterritorial rights, I am directed to express the hope of His Majesty's Government that the Government of the United States may see their way to adopt a similar course with as little delay as may be convenient.

Mr. Bacon's suggestion, made in his note No. 26 of April 6, that the United States and Germany should each address identical notes on the same date to the British Government was duly communicated to Sir Edward Grey. Prior to its receipt, however, the German Government had already announced their renunciation.

I have, etc.,

ESME HOWARD,
(For the Ambassador.)

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File No. 1229/7.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, April 25, 1907.

DEAR MR. SECRETARY: In continuation of my note No. 86 of April 22 relating to the renunciation of extraterritorial rights in Zanzibar, I have the honor to inform you that I have received a telegram from Sir Edward Grey stating that on March 18 last the German Government notified His Majesty's ambassador at Berlin of the instructions issued for closing the German court at Zanzibar, and that arrangements have been made for the British court to exercise jurisdiction over German subjects.

Under these circumstances it is hoped that similar instructions may be issued to the United States court as soon as may be convenient. An official notifictaion to me to that effect would terminate the matter.

Believe me, etc.,

JAMES BRYCE.

File No. 1229/6.

The Acting Secretary of State to the British Ambassador.

No. 48.] DEPARTMENT OF STATE,
Washington, April 29, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note No. 86, of the 22d and of that of the 25th instant, in continuation of the first, relating to the renunciation of extraterritorial rights in Zanzibar.

In response to your request for an official notification from this Government as to its course in this matter, I have the honor to state that in accordance with the terms of the treaty of February 25, 1905, between the United States and Great Britain whereby this Government undertakes to relinquish extraterritorial rights in Zanzibar as soon as such rights shall have been relinquished by other nations enjoying them, the Government of the United States, in view of the action of the other Governments concerned, and especially of the action of the German Government of recent date, to which reference is made in your note of the 22d instant, relinquishes its extraterritorial rights in Zanzibar.

I have the honor to add that the department has issued instructions, by cable, for closing the American consular court in Zanzibar and that arrangements have been made for the transfer of jurisdiction to the competent British courts.

I have, etc., ROBERT BACON.

File No. 1229/7.

The Third Assistant Secretary of State to the Vice-Consul Sarle.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 29, 1907.

United States has relinquished its extraterritorial jurisdiction in Zanzibar. Close consular court at once. Forward court records to department.

WILSON.

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File No. 1229/11.

Vice-Consul Sarle to the Third Assistant Secretary of State.

No. 41.] AMERICAN CONSULATE,
Zanzibar, April 30, 1907.

SIR: I have the honor to acknowledge cable of this day reading, viz:[a] Accordingly I have this day informed His British Majesty's consul-general and diplomatic agent, Basil S. Cave, also the first minister to Zanzibar Government, General Raikes, and all the foreign representatives, that the United States has relinquished its extraterritorial jurisdiction, and that the consular court is now closed.

In regard to court records, there has been no case in the consular court since I assumed charge of the office.

The various miscellaneous books contain the records of court proceedings in the past.

I have, etc.,

A. L. SARLE.

File No. 1229/8.

The British Ambassador to the Secretary of State.

No. 99.] BRITISH EMBASSY,
Washington, May 1, 1907.

SIR: I have the honor to acknowledge your note, No. 48, of April 29, in which you are so good as to inform me of the renunciation by the United States Government of their extraterritorial rights in Zanzibar and of the instructions issued to the American consul in that colony to close his court.

His Majesty's Government had learned of this action from their officials in Zanzibar before my notification of it could reach them, and Sir Edward Grey immediately instructed me by telegraph to express to you the thanks of His Majesty's Government for the readiness with which the United States Government have complied with their desires.

I have, etc., JAMES BRYCE.

File No. 1229/6.

The Acting Secretary of State to the Italian Chargé.

DEPARTMENT OF STATE,
Washington, August 23, 1907.

MY DEAR MR. CHARGÉ: In reply to your note of the 19th instant, I beg to inclose for the information of your Government copies of the correspondence between this department and the British embassy in regard to the renunciation of extraterritorial jurisdiction of the United States in Zanzibar.

A copy of the treaty of February 25, 1905, between the United States and Zanzibar, is also inclosed.

I am, etc., ALVEY A. ADEE.

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[a] Supra [April 29].

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SUPPLEMENTARY CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN FOR THE EXTRADITION OF CRIMINALS.

Signed at London April 12, 1905.
Ratification advised by the Senate December 13, 1905.
Ratified by the President December 21, 1906.
Ratified by Great Britain November 14, 1906.
Ratifications exchanged at Washington December 21, 1906.
Proclaimed February 12, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Supplementary Convention between the United States of America and Great Britain enlarging the list of crimes on account of which extradition may be granted between the two countries was concluded and signed by their respective Plenipotentiaries at London, on the twelfth day of April, one thousand nine hundred and five, the original of which Supplementary Convention, is word for word as follows:

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States, the Honourable Joseph Hodges Choate, Ambassador Extraordinary and Plenipotentiary of the United States at the Court of His Britannic Majesty:

And his Britannic Majesty, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

The following crimes are added to the list of crimes numbered 1 to 10 in the 1st Article of the said Convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 13th December, 1900, that is to say:

14. Bribery, defined to be the offering, giving or receiving of bribes made criminal by the laws of both countries.

15. Offences, if made criminal by the laws of both countries, against bankruptcy law.

ARTICLE II.

The present Convention shall be considered as an integral part of the said Extradition Conventions of the 12th July, 1889, and the

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13th December, 1900, and the Ist Article of the said Convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 14 and 15 in the Ist Article of the present Convention.

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or London as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at London, this 12th day of April, 1905.

[L. S.] JOSEPH H. CHOATE.
[L. S.] LANSDOWNE.

And whereas the said Supplementary Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the city of Washington, on the twenty-first day of December, one thousand nine hundred and six;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Supplementary Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this twelfth day of February in the year of our Lord one thousand nine hundred and seven and of the Independence of the United States of America the one hundred and thirty-first.

[SEAL.] THEODORE ROOSEVELT

By the President:
ELIHU ROOT
Secretary of State.

COMMERCIAL AGREEMENT WITH GREAT BRITAIN.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas the Government of His Britannic Majesty has entered into a Commercial Agreement with the United States providing for the application of the minimum rate under the third section of the Tariff Act of the United States approved July 24, 1897, to works of art, being the product of the industry of the United Kingdom, in return for the free admission of samples of dutiable goods brought into the territory of the United Kingdom by commercial travelers of the United States, by which Agreement, in the judgment of the Presi-

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dent, reciprocal and equivalent concessions are secured in favor of products of the United States;

Therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, acting under the authority conferred by said Act of Congress, do hereby suspend during the continuance in force of said Agreement the imposition and collection of the duties imposed by the first section of said act upon the articles hereinafter specified, being the products of the industry of the United Kingdom of Great Britain and Ireland, and do declare in place thereof the rate of duty provided in the third section of said act to be in force, as follows:

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifth day of December, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States of America the one hundred and thirty-second.

[SEAL.] THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

The Government of the United States of America and the Government of His Britannic Majesty, being desirous of facilitating and extending the commercial relations existing between their respective countries, but without prejudice to the views held by each of them as to the interpretation of the "most-favoured-nation" Article of the Convention of Commerce between the two countries signed at London on the 3rd July, 1815, mutually agree as follows:

1. In order to facilitate the clearance through the Customs Department of the United Kingdom of samples of dutiable goods brought into the territory of the United Kingdom by commercial travellers of the United States of America, such samples being for use as models or patterns for the purpose of obtaining orders, and not for sale, His Majesty's Government agrees that the marks, stamps, or seals placed upon such samples by the Customs authorities of the United States of America at the time of exportation, and the officially attested list of such samples, containing a full description thereof issued by the proper authority, shall be accepted by the Customs officials of the United Kingdom as establishing their character as samples, and exempting them from inspection on importation, except so far as may be necessary to establish that the samples produced are those enumerated on the list. The Customs authorities of the United Kingdom may, however, affix a supplementary mark to such samples in special cases where they may think this precaution necessary.

2. The Government of the United States of America agrees to extend to the United Kingdom the special reduction of duty on paintings in oil or water colours, pastels, pen and ink drawings, and statuary, being the product of the industry of the United Kingdom, authorized under section 3 of the Tariff Act of the United States, approved the 24th July, 1897.

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3. This agreement shall continue in force until six months from the date when either party shall notify the other of its intention to terminate it.

Done in duplicate at London, the 19th day of November, 1907.

[SEAL] WHITELAW REID.
[SEAL] E. GRAY.

[For correspondence relative to customs administration see under Germany, p. 494.]

AGREEMENT BETWEEN THE UNITED KINGDOM, FRANCE, AND ITALY, RESPECTING ABYSSINIA.

Signed at London, December 13, 1906.

[Translation.]

It being the common interest of France, Great Britain, and Italy to maintain intact the integrity of Ethiopia, to provide for every kind of disturbance in the political conditions of the Ethiopian Empire, to come to a mutual understanding in regard to their attitude in the event of any change in the situation arising in Ethiopia, and to prevent the action of the three States in protecting their respective interests, both in the British, French, and Italian possessions bordering on Ethopia and in Ethiopia itself, resulting in injury to the interests of any of them, the Government of the French Republic, the Government of His Britannic Majesty, and the Government of Italy have assented to the following agreement:

ARTICLE 1. France, Great Britain, and Italy shall cooperate in maintaining the political and territorial status quo in Ethiopia as determined by the state of affairs at present existing, and by the following agreements:

(*a*) The Anglo-Italian protocols of the 24th March and 15th April, 1891, and of 5th May, 1894, and the subsequent agreements modifying them, including the reserves formulated by the French Government in 1894 and 1895.

(*b*) The Anglo-Ethiopian convention of 14th May, 1897, and its annexes.

(*c*) The Italo-Ethiopian treaty of 10th July, 1900.

(*d*) The Anglo-Ethiopian treaty of 15th May, 1902.

(*e*) The note annexed to the above-mentioned treaty of 15th May, 1902.

(*f*) The convention of 11th March, 1862, between France and the Dannakils.

(*g*) The Anglo-French agreement of 2d–9th February, 1888.

(*h*) The Franco-Italian protocols of 24th January, 1900, and 10th July, 1901, for the delimitation of the French and Italian possessions on the littoral of the Red Sea and the Gulf of Aden.

(*j*) The Franco-Ethiopian frontier convention of 20th March, 1897.

It is understood that the various conventions mentioned in this article do not in any way infringe the sovereign rights of the Emperor of Abyssinia, and in no respect modify the relations between the three powers and the Ethiopian Empire as stipulated in the present agreement.

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ART. 2. As regards demands for agricultural, commercial, and industrial concessions in Ethiopia, the three powers undertake to instruct their representatives to act in such a way that concessions which may be accorded in the interest of one of the three States may not be injurious to the interests of the two others.

ART. 3. In the event of rivalries or internal changes in Ethiopia the representatives of France, Great Britain, and Italy shall observe a neutral attitude, abstaining from all intervention in the internal affairs of the country and confining themselves to such action as may be, by common consent, considered necessary for the protection of the legations, of the lives and property of foreigners, and of the common interests of the three powers. In no case shall one of the three Governments interfere in any manner whatsoever, except in agreement with the other two.

ART. 4. In the event of the status quo laid down in article 1 being disturbed, France, Great Britain, and Italy shall make every effort to preserve the integrity of Ethiopia. In any case they shall concert together on the basis of the agreements enumerated in the above-mentioned article in order to safeguard—

(*a*) The interests of Great Britain and Egypt in the Nile Basin, more especially as regards the regulation of the waters of that river and its tributaries (due consideration being paid to local interests), without prejudice to Italian interests mentioned in paragraph (*b*).

(*b*) The interest of Italy in Ethiopia as regards Erythræa and Somaliland (including the Benadir), more especially with reference to the hinterland of her possessions and the territorial connection between them to the west of Adis Abeba.

(*c*) The interest of France in Ethiopia as regards the French protectorate on the Somali coast, the hinterland of this protectorate, and the zone necessary for the construction and working of the railway from Jibuti to Adis Abeba.

ART. 5. The French Government communicates to the British and Italian Governments—

(1) The concession of the Franco-Ethiopian Railway of 9th March, 1894.

(2) A communication from the Emperor Menelek, dated 8th August, 1904, the translation of which is annexed to the present agreement, inviting the company to whom the above concession was granted to construct the second section of the line from Dire Dawa to Adis Abeba.

ART. 6. The three Governments agree that the Jibuti Railway shall be prolonged from Dire Dawa to Adis Abeba, with a branch line to Harrar eventually, either by the Ethiopian Railway Company in virtue of the deeds enumerated in the preceding article, or by any other private French company which may be substituted therefor, with the consent of the French Government, on condition that the nationals of the three countries shall enjoy in all matters of trade and transit absolute equality of treatment on the railway and in the port of Jibuti. Goods shall not be subject to any fiscal transit duty levied for the benefit of the French colony or treasury.

ART. 7. The French Government will endeavor to arrange that an English, an Italian, and an Abyssinian representative shall be appointed to the board of the French company or companies which may be intrusted with the construction and working of the railway

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from Jibuti to Adis Abeba. The British and Italian governments will reciprocally endeavor to arrange that a French director shall in like manner and on the same conditions be appointed to the board of any English or Italian company which has been or may be formed for the construction or working of railways running from any point in Abyssinia to any point in the adjoining English or Italian territory. It is likewise agreed that the nationals of the three countries shall enjoy in all matters of trade and transit absolute equality of treatment, both on the railways which may be constructed by English or Italian companies and in the English or Italian ports from which these railways may start. Goods shall not be subject to any fiscal transit duty levied for the benefit of the British or Italian colonies or treasuries.

The three signatory powers agree to extend to the nationals of all other countries the benefit of the provisions of articles 6 and 7 relating to equality of treatment as regards trade and transit.

ART. 8. The French Government will abstain from all interference as regards the concession previously granted beyond Adis Abeba.

ART. 9. The three Governments are agreed that all railway construction in Abyssinia west of Adis Abeba shall, in so far as foreign assistance is required, be carried out under the auspices of Great Britain. The three Governments are also agreed that all construction of railways in Ethiopia, joining the Benadir to Erythraea to the west of Adis Abeba, shall, in so far as foreign assistance is required, be carried out under the auspices of Italy.

The Government of His Britannic Majesty reserve to themselves the right, in case of need, to make use of the authorization, granted by the Emperor Menelek on the 28th August, 1904, to construct a railway from British Somaliland through Ethiopia to the Soudanese frontier, on condition, however, that they previously come to an agreement with the French and Italian Governments, the three Governments undertaking not to construct without previous agreement any line entering Abyssinian territory or intended to join the Abyssinian lines, which would compete directly with those established under the auspices of any one of them.

ART. 10. The representatives of the three powers will keep each other fully informed, and will cooperate for the protection of their respective interests. In the event of the British, French, and Italian representatives being unable to agree, they will refer to their respective Governments, suspending all action meanwhile.

ART. 11. Beyond the agreements enumerated in articles 1 and 5 of the present convention, no agreement concluded by any one of the contracting powers concerning Ethiopia shall affect the other signatory powers of the present agreement.

Done at London, December 13, 1906.

(Signed) E. GREY.
(Signed) PAUL CAMBON.
(Signed) A. DE SAN GIULIANO.

ANNEX.

Translation of the imperial letter of August 8, 1904, authorizing the railway company to undertake the construction of the line from Dire Daoua to Adis Abeba.

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The Lion, conqueror of the tribe of Judah, Menelek II, elect of the Lord, King of Kings of Ethiopia, to the French minister plenipotentiary at Adis Abeba, greeting:

In order that the railway company may lose no time unnecessarily, I inform you that it is my will that it forthwith commence work on the line from Dire Daoua to Adis Abeba.

As regards the terms of the contract, however, we shall come to an arrangement later with the railway company.

Written the 2d Naasse, in the year of grace 1896. (Abyssinian style), in the city of Adis Abeba (the 8th August, 1904).

Declaration signed at London, December 13, 1906.

The Italian minister for foreign affairs states that Italy has treaties with the Sultan of Lugh, the Sultan of Raheita, and the Dannakils respecting frontier questions. Inasmuch as these treaties must form the subject of negotiations with the Abyssinian Government, it is not possible to include them in the list contained in article 1, but the Italian Government reserves to itself the right to communicate them to Great Britain and France after the termination of the negotiations.

His Majesty's secretary of state for foreign affairs and the French ambassador take note of the declaration made by the Italian minister for foreign affairs.

London, December 13, 1906.

(Signed) E. GREY.
(Signed) PAUL CAMBON.
(Signed) A. DE SAN GIULIANO.

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GREECE.

PROTECTION OF CITIZENS OR SUBJECTS OF GOVERNMENTS THAT ARE WITHOUT DIPLOMATIC REPRESENTATIVES IN GREECE.

File No. 5063.

Minister Jackson to the Secretary of State.

No. 509 Greek Series.] AMERICAN LEGATION,
Athens, February 23, 1907.

SIR: I have the honor to report that I have just received a call from a certain Paul de Frontac de Richelaud, who states that he is a Liberian subject, and who wished me to use my good offices to enable him to visit Turkey. Mr. de Frontac had no papers which showed his political status in any way, and I was unable to do anything for him beyond speaking of his case to my Turkish colleague and asking him to do what he could. I have no reason to believe that Mr. de Frontac is anything except what he claims to be. I understand that he has been in Greece for some time and that he has interested himself in the Macedonian question, in regard to which he has written articles for the French and Swiss newspapers. In any event, however, I should not have felt at liberty to take any official action in his behalf.

Similarly, not long ago, I was asked to give a passport to a Mexican lady who wished to go to Constantinople. Altogether, it is not infrequent that requests for assistance (especially of a financial nature) are made to this legation or to the consulate-general in this city by persons representing themselves to be citizens of South American countries who have no official of their own nationality to whom they could appeal. In such cases I have always been glad to do what was possible, but, in the absence of instructions from the department, I have never felt at liberty to take any official action.

I have, etc.,

JOHN B. JACKSON.

File No. 5063.

The Acting Secretary of State to Minister Jackson.

No. 146 Greek Series.] DEPARTMENT OF STATE,
Washington, March 13, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 509 Greek Series of the 23d ultimo, in regard to the protection of citizens or subjects of governments that are without diplomatic representatives in Greece, in which you cite two instances of application to you for assistance by such persons.

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Cases where informal good offices are solicited as described should be treated according to the discretion of the minister. No case requiring formal or informal treatment with the government of the country should be taken up by the legation unless with knowledge that such intervention is requested by the government of which the party is a citizen, permitted by the United States, and acquiesced in by the local government. See, for such protection to Swiss citizens, Foreign Relations, 1871 and 1872; for Chinese in Central America, Foreign Relations, 1894 and 1896.

I am, etc.,

ROBERT BACON.

REQUIREMENTS IN REGARD TO THE PRACTICE OF DENTISTRY.

File No. 5619.

The Acting Secretary of State to Minister Jackson.

No. 145 Greek Series.] DEPARTMENT OF STATE,
Washington, March 8, 1907.

SIR: I inclose for appropriate inquiry and report copy of a letter from J. T. Gore, D. D. S., of Philadelphia, requesting information relative to the practice of dentistry in Greece by foreigners.

I am, etc.,

ROBERT BACON.

[Inclosure.]

Doctor Gore to the Secretary of State.

PHILADELPHIA, *March 3, 1907.*

DEAR SIR: Will you kindly advise me whether it would be necessary for one holding a diploma of the University of Pennsylvania and a certificate of the state board of dental examiners of Pennsylvania to undergo an examination in order to practice the profession of dentistry in Athens, Greece.

A prompt reply will be appreciated by,

Yours, truly,

T. J. GORE, D. D. S.

File No. 5619/1.

Minister Jackson to the Secretary of State.

No. 518 Greek Series.] AMERICAN LEGATION,
Athens, March 28, 1907.

SIR: In reply to the department's instruction No. 145, of the 8th instant, I have the honor to state that I have been informed by my dentist—an Englishman, a holder of a British diploma, who has been practicing here for several years—that foreigners desiring to practice dentistry in Greece must undergo examination and pay certain fees. In his case the examination was conducted in French and the fees amounted to about 400 drachmas (francs). Foreign medical diplomas are not accepted generally in Greece.

I have, etc.,

JOHN B. JACKSON.

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EXTRADITION TREATIES OF GREECE WITH FRANCE AND GERMANY.

File No. 1296/7.

Minister Jackson to the Secretary of State.

No. 583 Greek Series.] AMERICAN LEGATION,
Athens, September 23, 1907.

SIR: Referring to previous correspondence, I have the honor to transmit copies of Nos. 122 and 131 of the Greek Official Gazette, which contain the text of the extradition treaties[a] negotiated by Greece with France (March 29–April 11, 1906) and Germany (February 27–March 12, 1907), respectively, and to be sir, etc.,

JOHN B. JACKSON.

CONDITIONS IN CRETE.

File No. 871/5–6.

Minister Jackson to the Secretary of State.

No. 474 Greek Series.] AMERICAN LEGATION,
Athens, December 4, 1906.

SIR: I have the honor to transmit herewith a letter received a short time ago from a certain Mr. Philippe C. Dockos, of Canea, Crete, who would like to be appointed honorary American consul in that island. I have informed Mr. Dockos that I have nothing to do with the protection of American interests in Crete, and that I do not think it likely that the department is considering the question of appointing any American representative there. I understand that such American interests as may exist are looked after by the British consulate-general, the late incumbent of which, Mr. Esme Gordon Howard, has just been designated as councilor of the British embassy at Washington. Crete is nominally Turkish, of course, but the foreign consular officials there communicate with the diplomatic representatives of their respective countries in Greece, and the administration of the country is becoming more and more Greek. Under the circumstances I have the honor to request instructions as to whether I am at liberty, on a convenient occasion, to visit the island for the purpose of informing myself in regard to actual conditions, without such a visit being considered as an absence from my post.

Since the arrival in Crete of Mr. Zaimis (dispatch No. 451, of October 2, 1906), the island has enjoyed relative quiet. This is due in part of course to the approach of winter, but it is also due to a certain extent to the personality of Mr. Zaimis and the confidence which is felt in his intention to act for the best interests of both the island and Greece. On his arrival a political amnesty was declared and on the coming together of the national assembly measures were considered looking to the amendment of the constitution in order to make it conform to the new situation. Preparations are going on to carry out the measures prescribed by the powers in their several notes of last summer, and for the present matters are progressing quietly.

I have, etc.,

JOHN B. JACKSON.

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[a] Not printed.

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File No. 871/7.

Minister Jackson to the Secretary of State.

No. 483 Greek Series.] AMERICAN LEGATION,
Athens, December 15, 1906.

SIR: Referring to my dispatch No. 474, of the 4th instant, I have the honor to report that the Cretan general assembly adjourned on December 12, after having adopted a constitution which is characterized as "liberal and parliamentary," which will now be submitted for approval to the Governments of the four protecting powers. Before adjourning, a telegram was sent by the assembly to the president of the Greek Chamber of Deputies, announcing the adoption of the constitution, sending a fraternal salute, and expressing the hope that it would not be long before the national wishes are realized and the "elect of the nation united in one assembly." A reply couched in similar terms was sent from Athens.

On December 12 the Greek Chamber passed (finally) the bill authorizing Greek officers to take service in the Cretan gendarmerie, in accordance with the concessions made by the powers last summer, and certain officers (Major Montferratos, artillery, who is to command the gendarmerie; two captains of engineers and one of infantry; and two infantry lieutenants and one of artillery) left for Crete yesterday. The Italian gendarmes are expected to leave on December 31, and it is thought probable that a portion of the international garrison will leave soon thereafter.

If the constitution as passed by the Cretan assembly is acceptable to the powers, it will be put into effect at once. If not, the assembly will be reconvened in order to consider the powers' objections.

I have, etc.,

JOHN B. JACKSON.

File No. 871/5–6.

The Acting Secretary of State to Minister Jackson.

[Extract.]

No. 133.] DEPARTMENT OF STATE,
Washington, January 9, 1907.

SIR: I have to acknowledge the receipt of your No. 474, of the 4th ultimo, transmitting copy of a letter from a Mr. Philippe C. Dockos, of Canea, Crete, requesting appointment as honorary American consul in that island.

In reply I have to say that the department has had under consideration the establishment of an office on the island of Crete and has decided that the needs of the public service do not require one there.

The department highly appreciates the sentiments of esteem and regard which Mr. Dockos expressed toward the United States.

I am, etc.,

ALVEY A. ADEE.

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File No. 871/9.

Minister Jackson to the Secretary of State.

No. 508 Greek Series.] AMERICAN LEGATION,
Athens, February 22, 1907.

SIR: Referring to my dispatch No. 483, of December 15 last, I have the honor to report that the Cretan National Assembly met yesterday to receive the announcement of the high commissioner to the effect that the new constitution had been approved by the protecting powers. Mr. Zaimis thereupon took the required oath of office and the assembly adjourned. It is understood that the Cretan cabinet will now resign and that a provisional ministry will be formed to carry on the Government until after the elections, which are to take place in May, and the meeting of the assembly—elected under the new constitution—on July 14, old style.

For the present quiet prevails in the island, and the process of assimilating it to the Kingdom of Greece is steadily going on. The gendarmerie seems to be doing satisfactorily under its Greek officers, and recently three Greek judges were appointed to the Cretan "Cour d'Appel."

I have, etc., JOHN B. JACKSON.

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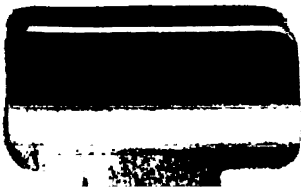

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